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JOURNAL

OF THE



HOUSE OF REPRESENTATIVES

OF THE

STATE OF MICHIGAN,

AT THE

ANNUAL SESSION OF THE LEGISLATURE FOR

1841.

DETROIT:

GEORGE DAWSON, STATE PRINTER.

1841.

JOURNAL.

Monday, January 4, 1841.

This being the day fixed by the twenty-first section and fourth article of the constitution of this state, for the meeting of the legislature, the following members appeared, and after being duly sworn into office, by his honor Elon Farnsworth, chancellor, took their seats:

Allegan, Barry and Eaton counties—Nathan Barlow.

Berrien county—James B. Larue.

Branch county—Charles G. Hammond.

Calhoun county—Michael Spencer.

Cass and Van Buren counties—George Redfield and Myron Strong.

Chippewa county—Stephen R. Wood.

Genesee, Shiawassee and Clinton counties—Lemuel Castle.

Hillsdale county—Baron B. Willits.

Ionia, Kent and Ottawa counties—Charles I. Walker.

Jackson county—Benjamin Copeland and Augustus D. Hawley.

Kalamazoo county—E. Lakin Brown and Joseph Miller.

Lapeer county—John M. Lamb.

Lenawee county—Philo C. Fuller, William Sprague, Ebenezer Daniels and Albert Wilcox.

Livingston and Ingham counties—Kinsley S. Bingham and Charles P. Bush.

Macomb county—John Stockton, Gurdon C. Leech and Josiah Lee.

Monroe county—Henry Smith, Levi S. Humphrey and James Russell.

Oakland county—O. D. Richardson, Jeremiah Clark, Joseph

Coates, Thomas Curtis, Nathan S. Philbrick and Rufus Tinney.

St. Clair county—Ira Porter.

St. Joseph county—Alfred R. Metcalf and Comfort Tyler.

Washtenaw county—Nathan Pierce, John Geddes, Jacob Cook, Grove Spencer, George Renwick and Levi Rogers.

Wayne county—

On motion of Mr. Renwick,

Mr. Fuller was unanimously elected Speaker, *pro tem*.

On motion of Mr. Hammond,

Mark Howard, of Washtenaw county, was unanimously elected clerk, *pro tem*.

On motion of Mr. Copeland,

James Valentine, of Jackson, was elected sergeant-at-arms, *pro tem*.

On motion of Mr. Daniels,

Charles W. Hunt, of Lenawee, was chosen door keeper, *pro tem*.

Mr. Bingham presented sundry documents relative to the claim of J. P. King, to a seat as a representative from the county of Mackinac, and moved their reference to a select committee of five.

Mr. Spencer moved to lay the same on the table; a division of the House being ordered, and a count being made, the same prevailed by yeas 21, nays 19.

On motion of Mr. Metcalf,

The rules for the government of the last session, were adopted until further ordered.

The Speaker presented an attested copy of the report of the board of county canvassers of Wayne county, relative to the election of representatives to the state legislature, which was read.

Mr. Bingham presented an attested copy of the return of the inspectors of election of the township of Hamtramck, to the board of county canvassers, which was read.

Mr. Richardson moved that the report of the board of county canvassers of Wayne county, and the return of the inspectors of election of the township of Hamtramck, be both laid on the table.

Mr. Renwick moved a division of the question, which motion was lost, by yeas and nays, as follows:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Brown,	Mr. Metcalf,	Mr. Sprague,	
Mr. Cook,	Mr. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. Pierce,	Mr. Tyler,	
Mr. Daniels,	Mr. Porter,	Mr. Wilcox,	
Mr. Geddes,	Mr. Renwick,	Mr. Willits,	
Mr. Hawley,	Mr. Rogers,	Mr. Speaker,	21

NAYS.

Mr. Bingham,	Mr. Humphrey,	Mr. Russell,	
Mr. Bush,	Mr. Larue,	Mr. Smith,	
Mr. Castle,	Mr. Lee,	Mr. M. Spencer,	
Mr. Clark,	Mr. Leech,	Mr. Stockton,	
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. Richardson,	Mr. Wood,	21

Mr. Richardson then withdrew his motion.

Mr. Coates then moved to refer the documents relative to the election in Wayne county, to a select committee of five.

Mr. Smith offered the following amendment:

"And that until the question be decided by this House, Lemuel Goodell, Ammon Brown, George W. Ferrington, John Scott, Elijah J. Roberts, Samuel Phillips, Daniel Goodell, John Biddle, Fisher A. Harding, Roswell Root, Eurotas Morton, Alonzo T. Mather, Levi E. Dolsen and Shadrach Gillett, claimants of seats as representatives from the county of Wayne, be allowed seats on this floor, with the privilege of speaking, but not of voting."

Which amendment was lost, by yeas and nays, as follows:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,	
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,	
Mr. Clark,	Mr. Philbrick,	Mr. Stockton,	
Mr. Coates,	Mr. Redfield,	Mr. Tinney,	
Mr. Curtis,	Mr. Richardson,	Mr. Walker,	
Mr. Hammond,	Mr. Russell,	Mr. Wood,	
Mr. Humphrey,			19

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,
Mr. Brown,	Mr. Larue,	Mr. Sprague,

Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	23
Mr. Hawley,	Mr. Rogers,		

The question recurring upon the motion of Mr. Coates, Mr. Spencer offered the following as a substitute:

Whereas, It appears by the official report of the county board of canvassers, in and for the county of Wayne, in this state, duly presented to this House, that John Biddle, Alonzo T. Mather, Levi E. Dolsen, Eurotas Morton, Shadrach Gillett, Roswell Root and Fisher A. Harding, were each, on the second and third days of November, 1840, duly elected to the office of representative to the state legislature, in and for said county; therefore,

Resolved, That John Biddle, Alonzo T. Mather, Levi E. Dolsen, Eurotas Morton, Shadrach Gillett, Roswell Root and Fisher A. Harding, are each entitled to their seats as members of this House, and that they be severally admitted, and sworn accordingly.

Mr. Coates then moved to lay the whole subject on the table; pending which,

On motion of Mr. Renwick,

The House adjourned until to-morrow at 10 o'clock.

Tuesday, January 5, 1841.

The House met pursuant to adjournment.

The roll being called, the same members were present as yesterday, except Mr. Humphrey, who afterwards appeared and took his seat.

Mr. M. Spencer announced the presence of his colleague, Mr. Olin, who subscribed to the oath of office, and took his seat.

On motion of Mr. Renwick,

Resolved, That the secretary of state be instructed to furnish the tables of the members of the House of Representatives with one copy each of the statute laws of Michigan, and

one copy each of the journals and documents of the last session.

On motion of Mr. Hammond,

Resolved, That a committee of five be appointed to inquire whether any alterations in the manner of warming this hall, and the avenue leading thereto, are required, in order to guard the health of the members and officers of this House, with power to make such alterations as they may deem necessary.

The Chair announced as such committee, Messrs. Hammond, Tyler, Smith, Rogers, Willits.

On motion of Mr. Richardson,

Resolved, That the clergymen of the city be, and they are hereby respectfully invited to officiate alternately, as chaplains of this House, during the present session.

Resolved, That the clerk transmit forthwith, to the said clergymen, respectively, a copy of the foregoing resolution.

Mr. Spencer gave notice that he should, at an early day, ask leave to introduce "a bill to establish the pay of members and officers of the legislature, and for other purposes."

Mr. Spencer gave notice that he should, at an early day, ask leave to introduce a "bill to reduce the price of public printing, and for other purposes."

Mr. Walker offered the following:

Resolved, That the clerk be ordered to procure for the members of this House, such newspapers as they shall direct, not to exceed in cost, the price of two daily papers.

Mr. Metcalf moved to amend the resolution by striking out "two," and inserting in lieu thereof "one;" which was negatived, as follows:

YEAS.

Mr. Daniels,
Mr. Geddes,
Mr. Hawley,
Mr. Lamb,

Mr. Metcalf,
Mr. Pierce,
Mr. Rogers,

Mr. G. Spencer,
Mr. Stockton,
Mr. Speaker,

10

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,

Mr. Humphrey,
Mr. Larue,
Mr. Lee,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,

Mr. Bush,	Mr. Leech,	Mr. Sprague,	
Mr. Castle,	Mr. Miller,	Mr. Strong,	
Mr. Clark,	Mr. Olin,	Mr. Tinney,	
Mr. Coates,	Mr. Philbrick,	Mr. Tyler,	
Mr. Cook,	Mr. Porter,	Mr. Walker,	
Mr. Copeland,	Mr. Redfield,	Mr. Wilcox,	
Mr. Curtis,	Mr. Renwick,	Mr. Willits,	
Mr. Hammond,	Mr. Richardson,	Mr. Wood,	33

The same then recurring upon the adoption of the resolution, the same prevailed.

Mr. Hammond presented a certain correspondence between himself and A. S. Bagg, Esq., relative to the public printing, and after reading the same, offered the following preamble and resolution:

Whereas, by the existing laws, it is competent for this House to procure its printing to be done at any office, irrespective of the state printer; *and whereas*, Mr. Asahel S. Bagg proposes to do the printing of this House at thirty-five cents per token for press work, and thirty-five cents per thousand for composition, being a deduction of thirty per cent from the prices now paid to the state printer; therefore,

Resolved, That the clerk of this House be required to procure the printing for the session, to be executed at the office of the Detroit Free Press, at the prices named by the proprietor of that office: *Provided*, That the state printer will not do the printing at the same or a less price.

Mr. Metcalf moved that the resolution do lie on the table; which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,	
Mr. Bingham,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Brown,	Mr. Larue,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	24

NAYS.

Mr. Bush,	Mr. Leech,	Mr. Smith,
Mr. Clark,	Mr. Olin,	Mr. M. Spencer,
Mr. Coates,	Mr. Philbrick,	Mr. Stockton,

Mr. Curtis,	Mr. Redfield,	Mr. Tinney,	
Mr. Hammond,	Mr. Richardson,	Mr. Walker,	
Mr. Humphrey,	Mr. Russell,	Mr. Wood,	
Mr. Lee,			19

Mr. Bingham moved a reconsideration of the vote, which motion was negatived, as follows:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,	
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,	
Mr. Clark,	Mr. Olin,	Mr. Stockton,	
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. Richardson,	Mr. Wood,	
Mr. Humphrey,	Mr. Russell,		20

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Brown,	Mr. Larue,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	
Mr. Hawley,	Mr. Rogers,		28

Mr. Richardson offered the following resolution:

Resolved, That a committee of three members be appointed to receive sealed proposals from the printers of the city of Detroit, for the lowest terms for performing the printing of this House; and that said committee be directed to contract with the lowest bidder for the same.

Which resolution,

On motion of Mr. Metcalf,

Was laid on the table, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Brown,	Mr. Larue,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	
Mr. Hawley,	Mr. Rogers,		28

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,

Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

20

Mr. Smith laid upon the table the following joint resolution:

Resolved, That a special committee be forthwith appointed, to inquire into the expediency of reducing the pay of the members of the legislature of this state to one dollar per day, and the pay of the officers of both houses in the same ratio; and to inquire into the propriety of a still further monthly reduction.

Mr. Larue offered the following:

Whereas, a communication has been presented to this House by the honorable Charles G. Hammond, from A. S. Bagg, setting forth that he is willing to do the printing of either or both houses of this legislature, at a reduction of thirty per cent from the present price; therefore,

Resolved, That the clerk of this House be directed to procure from the present state printer, with all reasonable dispatch, a statement of the price at which he is willing to do the public printing, and place the same in the possession of the Speaker, to be communicated to this House for its decision thereon.

Which resolution was adopted, by the following vote:

YEAS.

Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Geddes,
Mr. Hammond,
Mr. Humphrey,
Mr. Metcalf,

Mr. Miller,
Mr. Lamb,
Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,
Mr. Rogers,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

41

NAYS.

Mr. Barlow,

Mr. Hawley,

2

UNFINISHED BUSINESS.

The question being upon the motion of Mr. Coates, to lay upon the table the whole subject matter relative to the election of representatives in the county of Wayne,

Mr. Spencer withdrew his substitute for the motion of reference, made by Mr. Coates.

Mr. Coates then withdrew his motion to lay the subject of the election in the county of Wayne, on the table.

The question then recurring on the motion of Mr. Coates, to refer to a select committee, the documents relative to the election in Wayne county,

Mr. Spencer offered the following substitute:

Whereas, it appears by the official report of the county board of canvassers, in and for the county of Wayne, in this state, duly presented to this House, that John Biddle, Alonzo T. Mather, Levi E. Dolsen, Eurotas Morton, Shadrach Gillett, Roswell Root and Fisher A. Harding, having received the greatest number of votes given on the second and third days of November, 1840, in said county, for the office of representatives to the state legislature, in and for said county, and were legally entitled to their certificates of election, in due form of law, from said board of canvassers; therefore,

Resolved, That John Biddle, Alonzo T. Mather, Levi E. Dolsen, Eurotas Morton, Shadrach Gillett, Roswell Root and Fisher A. Harding, are each entitled to their seats as members of this House, and that they severally be admitted and sworn accordingly; subject, nevertheless, to the further action of this House, after its complete organization, provided their seats should be contested.

Mr. Coates objecting to the reception of this substitute, the Chair decided the same to be in order.

Mr. Smith moved an amendment to the substitute offered by Mr. Spencer; which, after some discussion, he withdrew.

Mr. Coates then offered the following: that the consideration of the motion and amendments, relative to Wayne county

election, be postponed till to-morrow morning at 11 o'clock, and that the documents relative to the same, before the House, be printed; which motion was rejected, by the following vote:

YEAS.

Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,
Mr. Lee,

Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,

Mr. Russell,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

19

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Hawley,

Mr. Lamb,
Mr. Larue,
Mr. Metcalf,
Mr. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Rogers,
Mr. Smith,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

23

The question recurring on Mr. Spencer's substitute, Mr. Bush moved to amend the same by striking out all after the word "whereas," and inserting the following in lieu thereof:

It appears by the returns of the board of inspectors of election for the township of Hamtramck, Wayne county, that at the last general election three hundred and thirty-four ballots were polled in said township for members of the House of Representatives to the legislature of this state from said county; *and whereas*, it appears, *prima facie*, from the returns of said inspectors, and from the statement of the board of county canvassers of said county, that at least two hundred and thirty of said ballots polled were given for Lemuel Goodell, George W. Ferrington, Ammon Brown, Samuel Phillips, John Scott, Elijah J. Roberts and Daniel Goodell; *and whereas*, by adding two hundred and thirty votes, less than the average number of votes given in said town for the democratic candidates for the other county and state officers at said election, to the votes given in the other towns in said county, for the said Lemuel Goodell, George W. Ferrington, Ammon Brown, Samuel Phillips, John Scott, and Daniel Goodell; the said Lemuel, George

W., Ammon, Samuel, John and Daniel would have received a majority of votes given in said county for said office of members of the House of Representatives; therefore,

Resolved, That the said Lemuel Goodell, Geo. W. Ferring-ton, Ammon Brown, Samuel Phillips, John Scott, and Daniel Goodell be, and are hereby declared duly elected representatives from said county, and be sworn as members of this House.

Which amendment was lost, by the following vote:

YEAS.

Mr. Bingham,	Mr. Olin,	Mr. Smith,	
Mr. Bush,	Mr. Philbrick,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,	
Mr. Humphrey,	Mr. Richardson,	Mr. Walker,	
Mr. Lee,	Mr. Russell,	Mr. Wood,	15

NAYS.

Mr. Barlow,	Mr. Hammond,	Mr. Renwick,	
Mr. Brown,	Mr. Hawley,	Mr. Rogers,	
Mr. Castle,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Clark,	Mr. Larue,	Mr. Sprague,	
Mr. Coates,	Mr. Leech,	Mr. Stockton,	
Mr. Cook,	Mr. Metcalf,	Mr. Strong,	
Mr. Copeland,	Mr. Miller,	Mr. Tyler,	
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Willits,	27

The question recurring on the substitute offered by Mr. M. Spencer,

Mr. Coates offered the following amendment:

Whereas, it appears from documents presented to this House, that the county board of canvassers in and for the county of Wayne, were unable to certify who were the persons duly elected representatives to the state legislature, at the election held in said county, on the second and third days of November, 1840, on account of the box containing the ballots for representatives in the township of Hamtramck, having been destroyed, by accident or design; therefore,

Resolved, That a committee of three be appointed, with power to send for persons and papers, and ascertain, as near as may be, the result of the election for representatives in the township of Hamtramck, and report the result of their investigation to this House.

Mr. Bingham moved to lay the whole subject on the table, and that the documents relative thereto be printed; which was negatived by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Russell,	
Mr. Bush,	Mr. Leech,	Mr. Smith,	
Mr. Clark,	Mr. Olin,	Mr. M. Spencer,	
Mr. Coates,	Mr. Philbrick,	Mr. Stockton,	
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,	
Mr. Hammond,	Mr. Renwick,	Mr. Walker,	
Mr. Humphrey,	Mr. Richardson,	Mr. Wood,	21

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Brown,	Mr. Larue,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Rogers,	Mr. Speaker,	
Mr. Hawley,			22

Mr. Coates moved an adjournment, which was negatived, as follows:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Richardson,	
Mr. Clark,	Mr. Olin,	Mr. Russell,	
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Wood,	
Mr. Humphrey,			13

NAYS.

Mr. Barlow,	Mr. Larue,	Mr. G. Spencer,	
Mr. Brown,	Mr. Lee,	Mr. Sprague,	
Mr. Bush,	Mr. Metcalf,	Mr. Strong,	
Mr. Castle,	Mr. Miller,	Mr. Stockton,	
Mr. Cook,	Mr. Pierce,	Mr. Tyler,	
Mr. Copeland,	Mr. Porter,	Mr. Walker,	
Mr. Daniels,	Mr. Renwick,	Mr. Wilcox,	
Mr. Geddes,	Mr. Rogers,	Mr. Willits,	
Mr. Hawley,	Mr. M. Spencer,	Mr. Speaker,	
Mr. Lamb,			28

The question recurring on the amendment offered by Mr. Coates to Mr. Spencer's substitute, the same was lost by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Richardson,	Mr. Wood,
Mr. Humphrey,	Mr. Russell,	

20

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,
Mr. Brown,	Mr. Larue,	Mr. Sprague,
Mr. Castle,	Mr. Metcalf,	Mr. Strong,
Mr. Cook,	Mr. Miller,	Mr. Tyler,
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,
Mr. Daniels,	Mr. Porter,	Mr. Willits,
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,
Mr. Hawley,	Mr. Rogers,	

23

The question again recurring on Mr. Spencer's substitute for the motion made by Mr. Coates, Mr. Richardson offered the following:

Resolved, That the respective claimants to seats in this House, as members thereof from the county of Wayne, be permitted to appear at the bar of the House and advocate their claims to said seats.

Which was rejected, by yeas and nays, as follows:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Richardson,	Mr. Wood,
Mr. Humphrey,	Mr. Russell,	

20

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,
Mr. Brown,	Mr. Larue,	Mr. Sprague,
Mr. Castle,	Mr. Metcalf,	Mr. Strong,
Mr. Cook,	Mr. Miller,	Mr. Tyler,
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,
Mr. Daniels,	Mr. Porter,	Mr. Willits,
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,
Mr. Hawley,	Mr. Rogers,	

23

Mr. Hammond moved the following amendment to Mr. Spencer's substitute, to come in after the word "admitted:" "with the privilege of debating, but not of voting, until further ordered by the House."

Which amendment was rejected, by yeas and nays, as follows:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,	
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,	
Mr. Clark,	Mr. Olin,	Mr. Stockton,	
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. Richardson,	Mr. Wood,	
Mr. Humphrey,	Mr. Russell,		20

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Brown,	Mr. Larue,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	
Mr. Hawley,	Mr. Rogers,		23

Mr. Coates moved an adjournment of the House, which was negatived, as follows:

YEAS.

Mr. Bingham,	Mr. Humphrey,	Mr. Redfield,	
Mr. Clark,	Mr. Leech,	Mr. Russell,	
Mr. Coates,	Mr. Olin,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,	
Mr. Hammond,			13

NAYS.

Mr. Barlow,	Mr. Larue,	Mr. G. Spencer,	
Mr. Brown,	Mr. Lee,	Mr. Sprague,	
Mr. Bush,	Mr. Metcalf,	Mr. Strong,	
Mr. Castle,	Mr. Miller,	Mr. Stockton,	
Mr. Cook,	Mr. Pierce,	Mr. Tyler,	
Mr. Copeland,	Mr. Porter,	Mr. Walker,	
Mr. Daniels,	Mr. Renwick,	Mr. Wilcox,	
Mr. Geddes,	Mr. Richardson,	Mr. Willits,	
Mr. Hawley,	Mr. Rogers,	Mr. Wood,	
Mr. Lamb,	Mr. Smith,	Mr. Speaker,	30

The question then recurring on Mr. Spencer's substitute,

Mr. Bingham moved to amend the same by striking out all after the word "whereas," and inserting in lieu thereof the following:

"The board of county canvassers of Wayne county, convened according to law, to canvass the votes given in said county, at the last general election, have certified to this House that they were unable, after a full and careful examination of the returns from the board of inspectors of the several towns in said county, to determine who had received a majority of votes given for members of the House of Representatives in the legislature of this state:

And whereas, said board have, with a full knowledge and careful investigation of said returns, recommended to this legislature, that a new election for Representatives for said county be ordered; therefore,

Resolved, That the whole matter be referred to a select committee of five, with instructions to report forthwith a bill in accordance with the recommendation of said board;

Which amendment was rejected by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Cones,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Richardson,	Mr. Wood,
Mr. Humphrey,	Mr. Russell,	

20

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,
Mr. Brown,	Mr. Larue,	Mr. Sprague,
Mr. Castle,	Mr. Metcalf,	Mr. Strong,
Mr. Cook,	Mr. Miller,	Mr. Tyler,
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,
Mr. Daniels,	Mr. Porter,	Mr. Willits,
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,
Mr. Hawley,	Mr. Rogers,	

23

Mr. Curtis moved to adjourn; which motion was negatived by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Richardson,
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Mr. Bush,
Mr. Clark,
Mr. Curtis,
Mr. Humphrey,

Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,

Mr. Russell,
Mr. Smith,
Mr. Tinney,

14

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Hawley,
Mr. Hammond,
Mr. Lamb,

Mr. Larue,
Mr. Metcalf,
Mr. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,
Mr. M. Spencer,
Mr. G. Spencer,

Mr. Sprague,
Mr. Strong,
Mr. Stockton,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

28

The question recurring upon Mr. Spencer's substitute,
Mr. Bingham moved the following amendment:

"In all the towns of said county, except Hamtramck, which appears by the attested copy of the return from that town, in the possession of this House, to have given three hundred and thirty-four votes for the office of representative, which were not canvassed by the board of county canvassers."

Which amendment was lost by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,

Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

20

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Hawley,
Mr. Lamb,

Mr. Larue,
Mr. Metcalf,
Mr. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

22

The question again recurring upon Mr. Spencer's substitute for the motion of reference, made by Mr. Coates, when Mr. Coates withdrew the same.

Mr. Spencer then offered his substitute as an original resolution.

Mr. Coates moved that the further consideration of the resolution be postponed until to-morrow morning at eleven o'clock, and that the papers before the House, on the subject of the resolution, be printed.

Mr. Smith moved to adjourn, which motion did not prevail.

The question then recurring upon the resolution offered by Mr. Spencer, the same prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,
Mr. Brown,	Mr. Metcalf,	Mr. Sprague,
Mr. Castle,	Mr. Miller,	Mr. Strong,
Mr. Cook,	Mr. Pierce,	Mr. Tyler,
Mr. Copeland,	Mr. Porter,	Mr. Wilcox,
Mr. Daniels,	Mr. Renwick,	Mr. Willits,
Mr. Geddes,	Mr. Rodgers,	Mr. Speaker,
Mr. Hawley,		

22

NAYS.

Mr. Bingham,	Mr. Larue,	Mr. Russell,
Mr. Bush,	Mr. Lee,	Mr. Smith,
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Redfield,	Mr. Walker,
Mr. Humphrey,	Mr. Richardson,	Mr. Wood,

21

Mr. Hammond moved to adjourn; which motion was lost.

The members from the county of Wayne, viz: John Biddle, Alonzo T. Mather, Fisher A. Harding, Roswell Root, Eurotas Morton, Levi E. Dolsen, and Shadrach Gillett, were then called, who appeared and were severally sworn into office by his honor William A. Fletcher, chief justice, and took their respective seats.

On motion of Mr. Metcalf, the House adjourned until nine o'clock to-morrow morning.

Wednesday, January 6, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were all present, except Messrs. Harding and Richardson, who soon after appeared and took their seats.

On motion of Mr. Porter,

Resolved, That this House do now proceed to the election of its permanent officers.

The Speaker, *pro tem.*, called Mr. Bingham to the chair, and assumed his seat in the House.

And on motion of Mr. Renwick, the House proceeded to the election of Speaker.

The clerk then calling the names of the representatives, they severally rose in their places and voted as follows:

FOR PHILO C. FULLER,

Mr. Barlow,	Mr. Harding,	Mr. Redfield,	
Mr. Biddle,	Mr. Hawley,	Mr. Renwick,	
Mr. Brown,	Mr. Lamb,	Mr. Rogers,	
Mr. Castle,	Mr. Larue,	Mr. Root,	
Mr. Cook,	Mr. Mather,	Mr. G. Spencer,	
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,	
Mr. Daniels,	Mr. Miller,	Mr. Strong,	
Mr. Dolsen,	Mr. Morton,	Mr. Tyler,	
Mr. Geddes,	Mr. Pierce,	Mr. Wilcox,	
Mr. Gillett,	Mr. Porter,	Mr. Willits,	30

FOR CHARLES G. HAMMOND,

Mr. Bingham,	Mr. Bush,	2
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FOR KINSLEY S. BINGHAM,

Mr. Clark,	Mr. Leech,	Mr. Smith,	
Mr. Coates,	Mr. Olin,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,	
Mr. Hammond,	Mr. Richardson,	Mr. Walker,	
Mr. Humphrey,	Mr. Russell,	Mr. Wood,	
Mr. Lee,			16

FOR CHARLES P. BUSH,

Mr. Stockton,	1
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FOR GEORGE RENWICK,

Mr. Speaker,	1
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The Chair then announced the honorable Philo C. Fuller as

duly elected Speaker of the House of Representatives, and announced Messrs. Renwick and Hammond as a committee to conduct the Speaker to the chair.

Upon taking the chair, the Speaker addressed the House, as follows:

Gentlemen of the House of Representatives:

I cannot better manifest the deep sense I entertain of the honor you have done me, than by so discharging the duties of the Chair, as will most effectually aid your deliberations. I rely, therefore, for the expression of my thanks more upon these efforts, than on any professions I can here make.

While on the one hand, I am somewhat embarrassed by the apprehension, that too much dependence may have been placed on my supposed legislative experience as qualifying me for this station, I am cheered and encouraged, on the other by the conviction that every gentleman of this body, justly appreciates the direct and powerful tendency of order and decorum, in accelerating and securing the most desirable results.

Complicated and vexatious questions of order may arise even in small bodies; but they generally operate as impediments to business about in proportion as the desire of members is more or less sincere, to terminate speedily, the labors before them.

Under the full persuasion that there exists here a determination to pursue with persevering firmness the great and permanent interests of the state and the whole state, and that no temporary collisions of feeling or opinion will be suffered to deprive the Chair of that support and forbearance which will so often be required, I assume the duties to which your partiality has assigned me.

On motion of Mr. Porter, the House then proceeded to the election of clerk, which resulted as follows:

FOR MARK HOWARD,

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,

Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,

Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,

Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

31

FOR JED P. C. EMMONS,

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,

Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

19

The Chair accordingly announced Mark Howard, of Wash-
tenaw, as duly elected to the office of clerk.

Mr. Copeland moved that the House proceed to the election
of enrolling and engrossing clerk.

Mr. Richardson moved to so amend the motion, as to de-
volve the duties of recording clerk upon the same officer;
which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,
Mr. Lamb,

Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

22

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

27

The House then proceeded to the election of enrolling and
engrossing clerk, which resulted as follows:

FOR PAUL GEDDES,

Mr. Barlow,	Mr. Hawley,	Mr. Root,
Mr. Biddle,	Mr. Larue,	Mr. G. Spencer,
Mr. Castle,	Mr. Mather,	Mr. Sprague,
Mr. Cook,	Mr. Metcalf,	Mr. Stockton,
Mr. Copeland,	Mr. Miller,	Mr. Strong,
Mr. Daniels,	Mr. Morton,	Mr. Tyler,
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,
Mr. Geddes,	Mr. Porter,	Mr. Willits,
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,
Mr. Harding,	Mr. Rogers,	

29

FOR GEORGE R. GRISWOLD,

Mr. Bingham,	Mr. Redfield,	Mr. M. Spencer,
Mr. Leech,	Mr. Smith,	

5

FOR M. D. COBB,

Mr. Brown,	Mr. Hammond,	Mr. Richardson,
Mr. Bush,	Mr. Lee,	Mr. Wood,

6

FOR J. P. C. EMMONS,

Mr. Clark,	Mr. Philbrick,	Mr. Tinney,
Mr. Coates,	Mr. Russell,	Mr. Walker,
Mr. Curtis,		

7

FOR DANIEL PITMAN,

Mr. Humphrey,		
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1

FOR CHARLES M. D. BULL,

Mr. Lamb,		
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1

FOR S. VAN HORN,

Mr. Olin,		
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1

The Chair accordingly announced Paul Geddes as duly elected to the office of enrolling and engrossing clerk.

Mr. Geddes moved that the House do now proceed to the election of recording clerk.

Mr. Richardson moved to lay the motion on the table, which was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Richardson,	Mr. Wood,
Mr. Humphrey,	Mr. Russell,	

20

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Cook,	Mr. Mather,	Mr. Sprague,
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,
Mr. Daniels,	Mr. Miller,	Mr. Tyler,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Speaker, 30

The question recurring on the motion to proceed to the election of a recording clerk,

Mr. Coates moved a postponement of its further consideration for one week, which motion did not prevail.

The question again recurring on the motion made by Mr. Geddes,

On motion of Mr. Bingham,

The same was laid on the table.

On motion of Mr. Pierce,

The House proceeded to the election of a sergeant-at-arms, which resulted as follows:

FOR WELLINGTON DAVIS,

Mr. Barlow,	Mr. Harding,	Mr. Porter,
Mr. Biddle,	Mr. Hawley,	Mr. Renwick,
Mr. Castle,	Mr. Humphrey,	Mr. Russell,
Mr. Cook,	Mr. Lamb,	Mr. Root,
Mr. Copeland,	Mr. Larue,	Mr. G. Spencer,
Mr. Daniels,	Mr. Mather,	Mr. Sprague,
Mr. Dolsen,	Mr. Miller,	Mr. Wilcox,
Mr. Geddes,	Mr. Morton,	Mr. Willits,
Mr. Gillett,	Mr. Pierce,	Mr. Speaker, 27

FOR A. MCMILLAN,

Mr. Bingham,	Mr. Leech,	Mr. Richardson,
Mr. Clark,	Mr. Olin,	Mr. Tinney,
Mr. Coates,	Mr. Philbrick,	Mr. Wood,
Mr. Curtis,		10

FOR THOMAS L. ACKER,

Mr. Brown,	Mr. Metcalf,	Mr. Stockton,
Mr. Bush,	Mr. Redfield,	Mr. Strong,
Mr. Hammond,	Mr. Smith,	Mr. Tyler,
Mr. Lee,	Mr. M. Spencer,	Mr. Walker, 12

The Chair accordingly announced Wellington Davis as duly elected to the office of sergeant-at-arms.

A committee from the Senate announced that that body was organized, and ready to do business.

Mr. Copeland moved that the House proceed to the election of door keeper.

Mr. Bush moved to amend the motion, by abolishing the office, which motion was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. Leech,	Mr. Smith,
Mr. Bingham,	Mr. Metcalf,	Mr. M. Spencer,
Mr. Bush,	Mr. Olin,	Mr. Strong,
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,
Mr. Coates,	Mr. Redfield,	Mr. Tyler,
Mr. Curtis,	Mr. Richardson,	Mr. Walker,
Mr. Hammond,	Mr. Rogers,	Mr. Wood,
Mr. Humphrey,	Mr. Russell,	Mr. Speaker,
Mr. Lee,		

25

NAYS.

Mr. Biddle,	Mr. Harding,	Mr. Porter,
Mr. Brown,	Mr. Hawley,	Mr. Renwick,
Mr. Castle,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Larue,	Mr. G. Spencer,
Mr. Copeland,	Mr. Mather,	Mr. Sprague,
Mr. Daniels,	Mr. Miller,	Mr. Stockton,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,		

25

Mr. Bingham moved the indefinite postponement of the further consideration of the subject, which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lee,	Mr. Russell,
Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Bush,	Mr. Metcalf,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Tinney,
Mr. Coates,	Mr. Philbrick,	Mr. Tyler,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Richardson,	Mr. Wood,
Mr. Humphrey,	Mr. Rogers,	Mr. Speaker,

24

NAYS.

Mr. Biddle,	Mr. Harding,	Mr. Renwick,
Mr. Brown,	Mr. Hawley,	Mr. Root,

Mr. Castle,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Cook,	Mr. Larue,	Mr. Sprague,	
Mr. Copeland,	Mr. Mather,	Mr. Stockton,	
Mr. Daniels,	Mr. Miller,	Mr. Strong,	
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,	
Mr. Geddes,	Mr. Pierce,	Mr. Willits,	
Mr. Gillett,	Mr. Porter,		26

The House then proceeded to the election of door keeper, which resulted as follows:

FOR JAMES VALENTINE,

Mr. Barlow,	Mr. Harding,	Mr. Renwick,	
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,	
Mr. Brown,	Mr. Lamb,	Mr. Root,	
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,	
Mr. Cook,	Mr. Mather,	Mr. Sprague,	
Mr. Copeland,	Mr. Miller,	Mr. Tyler,	
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,	
Mr. Geddes,	Mr. Porter,	Mr. Speaker,	
Mr. Gillett,			28

FOR JOHN BLANK,

Mr. Bingham,	Mr. Richardson,	2
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FOR WILLIAM BLANK,

Mr. Bush,	1
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FOR LIBEUS ROE,

Mr. Hammond,	Mr. Lee,	Mr. Olin,	
Mr. Humphrey,			4

FOR MR. GANTT,

Mr. Philbrick,	Mr. Russell,	2
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FOR E. J. QUIN,

Mr. Smith,	1
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FOR JAS. B. VAN RENSSELAER,

Mr. Wood,	1
Blank,	11

The Chair accordingly announced James Valentine as duly elected to the office of door keeper.

The officers elected, (except Mr. Geddes,) severally subscribed to the oath of office, and entered upon their respective duties.

On motion of Mr. Smith,

Resolved, That the Speaker be authorized to make the usual

appointment of messengers; and that the clerk make the usual post office arrangements.

On motion of Mr. Bush,

Resolved, That the door keeper of this House be required to sweep said house and build fires, when necessary, as a part of his duty, without any additional compensation.

On motion of Mr. Porter,

Resolved, That a committee of two be appointed to wait upon the Senate and inform them that a quorum of the House of Representatives is present, organized and ready to proceed to business.

The Chair announced as such committee Messrs. Porter and Walker.

On motion of Mr. Curtis,

Resolved, That a committee of three be appointed, with instruction to furnish suitable stationery for the members of this House, during the session.

The Chair announced as such committee, Messrs. Curtis, Larue, Gillett,

On motion of Mr. Hammond,

Resolved, That a committee of two be appointed to co-operate with a similar committee of the Senate, to wait upon his excellency the governor, and inform him that the two houses are organized and are ready to receive any communication he may please to make.

The Chair announced as such committee, Messrs. Hammond and Miller.

Mr. Porter, from the select committee appointed to wait upon the Senate, reported that they had discharged the duties assigned them.

Mr. Bingham gave notice that he should, to-morrow, ask leave to introduce a bill to repeal a law, entitled "An act to authorize the anticipation of certain instalments of the five million loan," approved March 20, 1840.

The committee appointed to act with a similar committee on the part of the Senate, to inform the governor that both houses were organized and ready to receive any communication he

may have to make to them, reported that they had discharged that duty, and that the governor would make a communication to both houses to-morrow at 12 o'clock, noon.

On motion of Mr. Biddle,

A committee of five, consisting of Messrs. Biddle, Porter, Bingham, Richardson and Harding, was appointed to revise the rules of the House.

Mr. Spencer offered the following resolution:

Resolved, That the clerk of this House be, and he is hereby authorized and directed to contract for the necessary printing of this House, for the present session of the legislature, at a price not exceeding 40 cents per thousand ems for composition, and 40 cents per token for press work.

Mr. Coates moved that the same be laid upon the table, which motion was negatived, as follows:

YEAS.

Mr. Clark,	Mr. Leech,	Mr. Russell,
Mr. Coates,	Mr. Olin,	Mr. Smith,
Mr. Curtis,	Mr. Philbrick,	Mr. M. Spencer,
Mr. Hammond,	Mr. Redfield,	Mr. Tinney,
Mr. Humphrey,	Mr. Richardson,	Mr. Walker,
Mr. Lee,		

16

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,
Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Bingham,	Mr. Lamb,	Mr. G. Spencer,
Mr. Brown,	Mr. Larue,	Mr. Sprague,
Mr. Bush,	Mr. Mather,	Mr. Stockton,
Mr. Castle,	Mr. Metcalf,	Mr. Strong,
Mr. Cook,	Mr. Miller,	Mr. Tyler,
Mr. Copeland,	Mr. Morton,	Mr. Wilcox,
Mr. Daniels,	Mr. Pierce,	Mr. Willits,
Mr. Dolsen,	Mr. Porter,	Mr. Wood,
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,
Mr. Gillett,		

34

Mr. Bingham moved that the House adjourn, which motion did not prevail.

The question recurring upon the resolution of Mr. Spencer, Mr. Hammond moved to amend the same, by striking out all after the word "resolved," and by inserting the following in lieu thereof:

"That the clerk of this House be required to ascertain and report to this House on to-morrow morning, the prices at which the state printer will do the printing; and that further action on the resolution now before the House be postponed until that report is received by the House."

Mr. Bush moved that the House adjourn until to-morrow morning at 10 o'clock, which motion did not prevail.

And the question recurring upon Mr. Hammond's amendment, the same was rejected by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Richardson,	Mr. Wood,
Mr. Humphrey,	Mr. Russell,	

20

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Cook,	Mr. Mather,	Mr. Sprague,
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,
Mr. Daniels,	Mr. Miller,	Mr. Tyler,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Speaker,

30

The question recurring upon the passage of the resolution, Mr. Walker moved to amend the same by striking out "forty," where in occurs, and inserting in lieu thereof, "thirty-five;" which amendment was lost by the following vote:

YEAS.

Mr. Bingham,	Mr. Lamb,	Mr. Russell,
Mr. Bush,	Mr. Lee,	Mr. Smith,
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Redfield,	Mr. Walker,
Mr. Humphrey,	Mr. Richardson,	Mr. Wood,

21

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,
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Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Brown,	Mr. Larue,	Mr. G. Spencer,
Mr. Castle,	Mr. Mather,	Mr. Sprague,
Mr. Cook,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Porter,	Mr. Speaker,
Mr. Gillett,	Mr. Renwick,	

29

Mr. Lee moved to adjourn, which motion did not prevail.

The question recurring upon the resolution, Mr. Bush moved to amend the same by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the clerk of this House be instructed to inquire of the different printers in this city, the prices for which they will do the printing for this House during the present session, and to contract with such printer as will do the same for the least sum; provided such printer gives good security for the faithful performance of said work."

Which amendment was rejected by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Richardson,	Mr. Wood,
Mr. Humphrey,	Mr. Russell,	

20

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Cook,	Mr. Mather,	Mr. Sprague,
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,
Mr. Daniels,	Mr. Miller,	Mr. Tyler,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Speaker,

30

The question again recurring upon the resolution, the same was adopted by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Bingham,	Mr. Lamb,	Mr. Root,
Mr. Brown,	Mr. Larue,	Mr. G. Spencer,
Mr. Castle,	Mr. Mather,	Mr. Sprague,
Mr. Cook,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Porter,	Mr. Speaker,
Mr. Gillett,		

31

NAYS.

Mr. Bush,	Mr. Lee,	Mr. Smith,
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Redfield,	Mr. Walker,
Mr. Humphrey,	Mr. Russell,	Mr. Wood,

18

On motion of Mr. Metcalf,

The House adjourned to to-morrow, at 12 o'clock, noon.

Thursday, January 7, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were all present.

The Chair announced the annual message of the executive, which was read by the clerk.

(See Joint Document, No. 1.)

On motion of Mr. Harding,

Resolved, That two thousand copies of the governor's message be printed in the English, five hundred in the French, and four hundred in the German languages, for the use of the members of this House.

Resolved further, That the Speaker be authorized to employ competent persons to translate the governor's message into the French and German languages.

On motion of Mr. Bingham,

The annual message of the executive, with the accompanying documents, were laid on the table.

Mr. Biddle, from the select committee to revise the rules of the House, reported the following:

Resolved, That the following standing committees of this House shall, hereafter, consist of five members, to wit: on ways and means, judiciary, internal improvement, claims, elections, banks and incorporations, university and school lands, printing and enrolment; and that the other standing committees of this House, shall consist of three members only.

Which resolution was adopted.

The same committee further reported in favor of the following amendment:

Strike out the fourteenth rule, and insert the following in lieu thereof: "on a previous question, there shall be no debate."

Which was adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Porter,
Mr. Biddle,	Mr. Harding,	Mr. Rogers,
Mr. Brown,	Mr. Hawley,	Mr. Root,
Mr. Castle,	Mr. Lamb,	Mr. G. Spencer,
Mr. Cook,	Mr. Larue,	Mr. Sprague,
Mr. Copeland,	Mr. Mather,	Mr. Strong,
Mr. Daniels,	Mr. Metcalf,	Mr. Wilcox,
Mr. Dolsen,	Mr. Morton,	Mr. Speaker,
Mr. Geddes,	Mr. Pierce,	

26

NAYS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Miller,	Mr. Stockton,
Mr. Coates,	Mr. Olin,	Mr. Tinney,
Mr. Curtis,	Mr. Philbrick,	Mr. Tyler,
Mr. Hammond,	Mr. Redfield,	Mr. Walker,
Mr. Humphrey,	Mr. Richardson,	Mr. Wood,

21

The committee also reported in favor of the following amendment, which was adopted:

In the twenty-eighth rule, strike out all after the word "minutes," and insert the following words: "at the desire of one-fifth of the members present."

On motion of Mr. Hammond,

The fourth rule of the House was amended by adding the following thereto: "if there should be an equal division."

Mr. G. Spencer laid upon the table the following joint resolutions:

Resolved by the Senate and House of Representatives of the State of Michigan, That our general government ought to adopt and sustain a protective tariff towards our domestic manufactures and productions; because tariff laws are constitutional; because a permanent system of adequate legislative protection to our home manufactures would soon enable our own people successfully to compete with the manufactures of Europe; would tend to prevent the introduction of European articles and fabrics here; would, by lessening the demand, reduce the price of European articles and manufactures there; and would thereby cause the wealth and labor now being employed on the other side of the Atlantic, in manufacturing and providing articles for our consumption, and to drain from us our money, to find a permanent place in this country; would make certain sections of our Union as fitted by nature, manufacturing sections, and others agricultural; would thereby produce and sustain a regular and permanent market for the farmer and manufacturer, causing different portions of the Union harmoniously to aid each other in the general prosperity; would tend to preserve and afford to the several states, the avails of the public lands; would raise the real value of labor, land and other property in the United States; would make us independent of other nations, in peace or in war; would soon, in effect, reduce to us the price of manufactured articles, by the competition natural to all business, and by the increased ability of the people to pay; and would, by rendering money plenty, help to make the means and facilities of acquiring education and intelligence, the safeguards of our institutions and liberties, common and easy to all; because, European nations, by the extent and amount of their restrictive duties on imports, thereby enhancing their own wealth and prosperity, have almost entirely excluded all the staple products of our country, except some

southern productions, from their ports; because it is an unquestionable fact, that a large majority of the people of the United States wish for an adequate protective tariff, which shall eventually prohibit, to a great extent, foreign importations.

Resolved, That we believe in the republican principle, that the majority of the people should rule, constitutionally—particular interests or sectional dictation, to the contrary, notwithstanding; and that a system supported by the popular will, which might be the best fruit of our national union, should not be abandoned by reason of the threats or efforts of a spirited minority, however violent or alarming.

Resolved, That we respectfully ask the legislative aid of the several states, through the executive branches thereof, in directing the attention of congress favorably to the subject.

Resolved, That our senators and representative in congress, be requested to use their exertions to procure the passage of laws which shall afford suitable protection to the domestic manufactures and productions of our country.

Resolved, That the governor of this state be, and he is hereby requested to transmit a copy of the foregoing resolutions to each of our senators and representative in congress, and to the executives of the several states, with a request that the same may be presented to the respective legislatures thereof.

Mr. Walker offered the following protest:

The undersigned, members of the house of representatives, *do dissent from, and protest against* a resolution of the House, passed January 5, 1841, giving to John Biddle, Roswell Root, Eurotas Morton, Alonzo T. Mather, Levi E. Dolsen, Fisher A. Harding, and Shadrach Gillett, seats in this House, as representatives from the county of Wayne, for the following reasons:

First. Because the persons named in said resolution, have no certificates of election—no *prima facie* evidence that they are entitled to seats in this House; and ought not to be admitted to seats without having their claims to the same properly investigated; which investigation has been *refused* by the majority of this House.

Second. Because the said resolution avers that it appears from the attested copy of the returns of the board of canvassers for the county of Wayne, that the persons named therein, received a majority of the votes cast in said county, for the office of representatives to the state legislature; which averment the undersigned believe not to be in accordance with truth, or with the return of said board of canvassers. The facts, as they appear from the evidence before the House, are these: The board of county canvassers, on assembling, received returns from all the towns of the county, of the number of votes cast for representatives, and the persons for whom they were cast, except from the town of Hamtramck. In all the towns from which full returns were received, the persons named in the aforesaid resolution, (known as the whig candidates,) received an average of 2,141 votes; while Samuel Phillips, Lemuel Goodell, Ammon Brown, George W. Ferrington, Elijah J. Roberts, John Scott, and Daniel Goodell, (known as the democratic candidates,) received an average of 2,030 votes, thus far giving the persons named in the resolution, an average majority over the other, or democratic candidates, of 110. By an attested copy of the returns of the board of canvassers for the town of Hamtramck, to the county canvassers, it appears that in that town 334 ballots were cast for representatives; but that, by accident or design, the box containing said ballots, was destroyed before the canvass. The board of inspectors of election of that town, also certify that the votes given for the candidates of the different parties for representative, was the same, with little or no variation, as that given for the candidates for other offices of the respective parties, at the same election; and it appears from the same attested return before this House, that the *uniform majority* of all the democratic candidates for other offices, was from one hundred and twenty-six to one hundred and thirty—one hundred and twenty-six being the lowest number and one hundred and thirty the highest. If the lowest number is taken as the average majority of the democratic candidates in that town, it gives the democratic candidates an average majority of sixteen votes over the per-

sons named in the resolution; and, by adding one hundred and twenty-six votes, (the democratic majority in Hamtramck,) to the vote of the democratic candidates, received in other towns in the county, six of the democratic candidates, viz: Samuel Phillips, Lemuel Goodell, George W. Ferrington, Ammon Brown, John Scott, Daniel Goodell, would be elected. Under this state of facts, it was morally impossible for the board of county canvassers to give to the persons named in the resolution, a certificate of election, or to certify that they received a majority of all the votes cast in the county; and although the *presumptive* evidence was *strong* and *conclusive* that at least six of the democratic candidates were clearly elected by a majority of the popular votes, yet the board did not feel at liberty to declare any of the candidates elected, and therefore referred the whole matter to the House when it should convene; and we utterly deny that any such conclusion can be drawn from the attested return of the board of county canvassers, as, that the persons named in the resolution received a majority of all the votes cast in the county for representatives.

Third. Because the resolution imposes upon the county of Wayne, representatives not of her own choice, but of the choice of this House.

Fourth. Because the precedent established by the passage of said resolution, of allowing the expressed will of the majority to be defeated by the destruction of a ballot box, is an alarming one—"injurious to the public," and fraught with danger to popular liberty—holding out, as it does, a premium to fraud and villainy, and inciting the designing and desperate to commit and connive at outrages upon the sacred right of suffrage, by crowning with success, such diabolical efforts to defeat the popular will.

O. D. RICHARDSON,	KINSLEY S. BINGHAM,
CHAS. G. HAMMOND,	C. P. BUSH,
G. C. LEECH,	C. I. WALKER,
CHARLES OLIN,	S. R. WOOD,
MICHAEL SPENCER,	RUFUS TINNEY,
JNO. STOCKTON,	GEO. REDFIELD,

JOSIAH LEE,
N. S. PHILBRICK,
THOS. CURTIS,
L. S. HUMPHREY,

JOSEPH COATES,
J. CLARK,
HENRY SMITH,
JAMES RUSSELL.

January 6, 1841.

Mr. Bingham moved that the same be entered on the journal.

Mr. Miller moved that the House adjourn; which motion did not prevail.

The question recurring upon the motion of Mr. Bingham, the same prevailed.

The Chair announced Horace S. Roberts and John Brinkerhoof, as messengers.

Mr. Smith laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representative in congress be, and they are hereby requested to use all proper exertion to obtain the passage, during the present session of congress, of a bill making appropriations for the completion of all lake harbors commenced by the government of the United States.

On motion of Mr. Bingham, the House adjourned until tomorrow morning, at 10 o'clock.

Friday, January 8, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were all present.

The Speaker announced the following standing committees:

Ways and Means—Messrs. Renwick, Larue, Stockton, Bingham, Sprague.

Internal Improvement—Messrs. Metcalf, Pierce, Stockton, Daniels, Walker.

Claims—Messrs. Larue, Geddes, Castle, Philbrick, Russell.

Judiciary—Messrs. G. Spencer, Hammond, Harding, Porter, Richardson.

- Agriculture*—Messrs. Lamb, Willits, Lee.
Accounts—Messrs. Miller, Lee, Cook.
Education—Messrs. Sprague, Biddle, Walker.
Manufactures—Messrs. Wilcox, Strong, Morton.
Militia—Messrs. Smith, Curtis, Humphrey.
Roads and Bridges—Messrs. Castle, Bingham, Dolsen.
Elections—Messrs. Brown, Wood, Tyler, Hawley, Redfield.
Banks and Incorporations—Messrs. Barlow, Hammond, Porter, Brown, Leech.
Printing—Messrs. Pierce, Miller, Strong, Russell, Olin.
University and School Lands—Messrs. Biddle, Leech, Copeland, Rogers, Humphrey.
Enrolment—Messrs. Bush, Mather, Coates, Gillett, Tinney.
Unfinished business—Messrs. Harding, Barlow, Root.
Organization of Towns and Counties—Messrs. Copeland, Gillett, Redfield.
State Prison—Messrs. Hawley, Clark, Mather.
Library—Messrs. Bingham, Renwick, M. Spencer.
Expenditures—Messrs. Richardson, G. Spencer, Lamb.

PETITIONS.

By Mr. Spencer. Of sundry citizens of the county of Wash-tenaw, praying the passage of a law fixing the pay of members of the legislature at two dollars per diem; which, on motion of Mr. Spencer, was laid on the table.

By Mr. Pierce. Of citizens of the town of Sylvan, Wash-tenaw county, praying for the same object; which, on motion of Mr. Pierce, was laid on the table.

By Mr. Barlow. Of inhabitants of the townships of Irving, Thornapple and Yankee Springs, Barry county, praying relief in relation to the organization of the township of Irving. Referred to the committee on towns and counties.

By Mr. Porter. Of inhabitants of St. Clair and Sanilac counties, for a state road through said counties. Referred to the committee on roads and bridges.

By the same. Of sundry inhabitants of the township of Clyde, St. Clair county, for a division of said township. Referred to the committee on towns and counties.

By Mr. Brown. Of inhabitants of Ross, Kalamazoo county, for an alteration of the boundaries of said township. Referred to the committee on towns and counties.

By Mr. Castle. Of inhabitants of the township of Woodhull, Shiawassee county, for a division of said township. Referred to the committee on towns and counties.

By Mr. Brown. Of inhabitants of Kalamazoo county, praying for a reduction of the price of seminary and school lands. Referred to the committee on university and school lands.

By Mr. Strong. Of the inhabitants of the town of Ontwa, Cass county, praying the repeal of the fee bill, passed during the session of 1840. Referred to the committee on the judiciary.

Mr. Stockton presented the claim of Richard Butler, for services as commissioner under the "Act to provide for the sale of certain lands to the settlers thereon, &c.," approved March 25th, 1840; which was referred to the committee on claims.

Mr. Spencer presented the report of the county board of canvassers of Saginaw county.

Mr. Richardson presented the certificate of the clerk of Saginaw county of the number of votes given in said county for representative to the state legislature; both of which documents were referred to the committee on elections.

The Chair announced a communication from the auditor general accompanying his annual report; which report, on motion of Mr. Hammond, was referred to the committee on ways and means.

(See Joint Document No. 2.)

Mr. Metcalf laid on the table the following joint resolution:

Whereas, there exists at the present time, a great and unexampled derangement of the currency, and depreciation in the prices of the real estate, and products of the country, ruinous in their effects, upon the business and pursuits of the citizens of this, as well as other states; blighting their prospects, and producing hopeless and irretrievable bankruptcy in many cases; thereby paralyzing their energies, and depriving their

families and the community in general, of the benefits of their exertions, in their ordinary pursuits; *and whereas*, a general bankrupt law would be mutually beneficial to both creditor and debtor, by giving to the one, the full benefit of a dividend of the estate of the other, and to the other, the opportunity of profiting by his own exertions, or the assistance of his friends, to retrieve his affairs, and provide a competent support for himself and family; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representative in congress, be respectfully requested to use all suitable and proper means to procure the passage of a general bankrupt law, at the present session of congress.

Resolved, That his excellency the governor be, and he is hereby requested to transmit to our senators and representative in congress, a copy of the foregoing preamble and resolutions.

Mr. G. Spencer gave notice, that on some future day he should ask leave to introduce a bill amendatory to "An act to amend the revised statutes relative to primary schools."

Mr. G. Spencer gave notice, that he should some future day, ask leave to introduce a bill to amend an act entitled "An act to regulate and prescribe the amount of fees."

Mr. G. Spencer offered the following:

Resolved, That the report of the county board of canvassers for the county of Wayne, duly presented to the House by the Speaker thereof, be entered on the journals of this House, with the documents.

Mr. Walker moved to amend the resolution by adding the following: and also the attested copy of the return of the town canvassers of the township of Hamtramck, to said board of county canvassers.

Mr. Smith offered the following amendment to the amendment, which was accepted by Mr. Walker:

"That the report of the county board of canvassers, for the county of Wayne, together with the return of the board of can-

vassers of the town of Hamtramck, to the board of canvassers of Wayne county, be entered on the journal and printed."

The question then recurring on the amendment as amended, the same was rejected, by the following vote:

YEAS.

Mr. Bingham,	Mr. Larue,	Mr. Russell,	
Mr. Brown,	Mr. Lee,	Mr. Smith,	
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Tinney,	
Mr. Hammond,	Mr. Philbrick,	Mr. Walker,	
Mr. Humphrey,	Mr. Redfield,	Mr. Wood,	18

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. Root,	
Mr. Biddle,	Mr. Mather,	Mr. G. Spencer,	
Mr. Castle,	Mr. Metcalf,	Mr. Sprague,	
Mr. Cook,	Mr. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. Morton,	Mr. Tyler,	
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Porter,	Mr. Willits,	
Mr. Harding,	Mr. Renwick,	Mr. Speaker,	
Mr. Hawley,	Mr. Rogers,		26

Mr. Smith moved to lay the resolution on the table; which was rejected, as follows:

YEAS.

Mr. Clark,	Mr. Leech,	Mr. Smith,	
Mr. Coates,	Mr. Olin,	Mr. M. Spencer,	
Mr. Hammond,	Mr. Philbrick,	Mr. Tinney,	
Mr. Larue,	Mr. Porter,	Mr. Walker,	
Mr. Lee,	Mr. Redfield,	Mr. Wood,	15

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,	
Mr. Biddle,	Mr. Hawley,	Mr. Root,	
Mr. Brown,	Mr. Humphrey,	Mr. Russell,	
Mr. Castle,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Cook,	Mr. Mather,	Mr. Sprague,	
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,	
Mr. Daniels,	Mr. Miller,	Mr. Tyler,	
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,	
Mr. Geddes,	Mr. Pierce,	Mr. Willits,	
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,	80

The question recurring upon the resolution, Mr. Hammond, moved a division of the question; and some discussion ensuing, Mr. Biddle moved the previous question; and the question

being, shall the main question be now put? it was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Geddes,	Mr. Pierce,
Mr. Biddle,	Mr. Gillett,	Mr. Porter,
Mr. Brown,	Mr. Harding,	Mr. Root,
Mr. Cook,	Mr. Hawley,	Mr. G. Spencer,
Mr. Copeland,	Mr. Lamb,	Mr. Wilcox,
Mr. Daniels,	Mr. Mather,	Mr. Willits,
Mr. Dolsen,	Mr. Morton,	

20

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Bush,	Mr. Metcalf,	Mr. M. Spencer,
Mr. Clark,	Mr. Miller,	Mr. Sprague,
Mr. Castle,	Mr. Olin,	Mr. Strong,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Redfield,	Mr. Tyler,
Mr. Humphrey,	Mr. Renwick,	Mr. Walker,
Mr. Larue,	Mr. Rogers,	Mr. Wood,
Mr. Lee,	Mr. Russell,	Mr. Speaker,

27

The question recurring upon the first division of Mr. Spencer's resolution, the same prevailed.

The question then being upon the second division of the resolution, Mr. Bingham moved to amend the same by striking it out.

Mr. G. Spencer moved to amend the amendment, by striking out the following words: "with the documents;" which motion prevailed.

The question then recurring upon the amendment of Mr. Bingham, as amended,

Mr. Bush raised a question of order, whether the interest in this question, of the members from Wayne, was not of such a nature, as to preclude them from voting upon it?

The Chair decided that the interest of the members from Wayne, was not such as is contemplated by the rule.

Mr. Bingham appealed from the decision of the Chair, and the question being, shall the decision of the Chair stand as the decision of the House? the same prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Cook,	Mr. Mather,	Mr. Sprague,
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,
Mr. Daniels,	Mr. Miller,	Mr. Tyler,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	

29

NAYS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Russell,	Mr. Wood,
Mr. Humphrey,		

19

The question then being upon Mr. Bingham's amendment as amended, the same was rejected, by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Redfield,	Mr. Walker,
Mr. Humphrey,	Mr. Russell,	Mr. Wood,
Mr. Lamb,		

19

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,
Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Brown,	Mr. Larue,	Mr. G. Spencer,
Mr. Cook,	Mr. Mather,	Mr. Sprague,
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,
Mr. Curtis,	Mr. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Porter,	Mr. Speaker,
Mr. Gillett,	Mr. Renwick,	

29

The resolution was accordingly declared to be adopted.

[The statement referred to in Mr. Spencer's resolution, will appear upon the journal of Saturday.]

The Chair announced a communication from the state treasurer, accompanying his annual report; which,

On motion of Mr. Hammond,

Was referred to the committee on ways and means.

(See Joint Document, No. 3.)

On motion of Mr. Metcalf,

Resolved, That the committee on supplies be directed to procure a new flag for the use of the capitol.

Mr. Harding offered the following:

Resolved, That the papers before this House relative to the Wayne county election, be referred to the committee on elections, with power to send for persons and papers, and to sit during the session of the House.

Mr. Metcalf moved to adjourn; which was negatived, as follows:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Clark,
Mr. Coates,
Mr. Curtis,

Mr. Hammond,
Mr. Hawley,
Mr. Lee,
Mr. Metcalf,
Mr. Miller,
Mr. Olin,

Mr. Philbrick,
Mr. Redfield,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

18

NAYS.

Mr. Biddle,
Mr. Bush,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Humphrey,

Mr. Lamb,
Mr. Larue,
Mr. Leech,
Mr. Mather,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,
Mr. Root,

• Mr. Russell,
Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

31

The question recurring upon the resolution, Mr. Curtis, offered the following amendment; which was adopted:

“And the claimants to seats, shall have the privilege of appearing before said committee, and advocating their claims.”

Mr. Metcalf moved to adjourn; which motion was lost by the following vote:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,

Mr. Hammond,
Mr. Hawley,
Mr. Lee,
Mr. Leech,
Mr. Metcalf,
Mr. Miller,
Mr. Olin,
Mr. Philbrick,

Mr. Redfield,
Mr. Russell,
Mr. M. Spencer,
Mr. Strong,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

23

NAYS.

Mr. Biddle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Humphrey,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,
Mr. Root,

Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

26

Mr. Curtis moved a reconsideration of the vote adopting his amendment, which motion did not prevail; and the question being upon the adoption of the resolution, as amended,

Mr. Smith moved to lay the same on the table; which was negatived, as follows:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Copeland,
Mr. Curtis,

Mr. Geddes,
Mr. Hammond,
Mr. Lee,
Mr. Leech,
Mr. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,

Mr. Redfield,
Mr. Rogers,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

24

NAYS.

Mr. Biddle,
Mr. Clark,
Mr. Cook,
Mr. Daniels,
Mr. Dolsen,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,
Mr. Humphrey,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Morton,
Mr. Porter,
Mr. Renwick,
Mr. Root,

Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

25

The question recurring upon the adoption of the resolution, the same prevailed, by the following vote:

YEAS.

Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Bush,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Larue,	Mr. Smith,
Mr. Copeland,	Mr. Mather,	Mr. G. Spencer,
Mr. Curtis,	Mr. Metcalf,	Mr. Stockton,
Mr. Daniels,	Mr. Morton,	Mr. Strong,
Mr. Dolsen,	Mr. Olin,	Mr. Walker,
Mr. Geddes,	Mr. Philbrick,	Mr. Wilcox,
Mr. Gillett,	Mr. Porter,	Mr. Wood,
Mr. Harding,	Mr. Redfield,	

29

NAYS.

Mr. Barlow,	Mr. Lee,	Mr. M. Spencer,
Mr. Bingham,	Mr. Leech,	Mr. Sprague,
Mr. Castle,	Mr. Miller,	Mr. Tinney,
Mr. Clark,	Mr. Pierce,	Mr. Tyler,
Mr. Hammond,	Mr. Renwick,	Mr. Willits,
Mr. Humphrey,	Mr. Russell,	Mr. Speaker,

18

The House excused Mr. Brown from voting.

The Chair announced the following message from the Senate, by their secretary, D. W. Kellogg:

SENATE CHAMBER, }
Friday, January 8, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit herewith, a joint resolution “authorizing the governor to appoint a private secretary,” which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

And the resolution was laid on the table for one day, according to rule.

Mr. Hammond moved to adjourn; which motion was lost.

Mr. Curtis offered the following:

Whereas, the fourth section of the first article of the constitution of this state, declares that every person has the right to worship Almighty God according to the dictates of his own conscience; and no person can of right be compelled to attend,

erect or support, against his will, any place of religious worship, or pay any tithes, taxes or other rates, for the support of any minister of the gospel, or teacher of religion; therefore,

Resolved, That the clerk be instructed to inform the several clergymen of this city, that they are not to expect any appropriations from the public treasury for their services as chaplains to this House, and that they be requested to attend and perform their services at least one-half hour previous to the hour the house stands adjourned.

Mr. Curtis moved to lay the resolution on the table; which motion did not prevail.

The question then being upon the adoption of the resolution,
On motion of Mr. Walker,

Its further consideration was indefinitely postponed.

On motion of Mr. Bingham, the House adjourned.

Saturday, January 9, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were all present, except Messrs. Mather and Richardson.

Mr. Biddle asked and obtained leave of absence for Mr. Mather, until Monday.

PETITIONS.

By Mr. Porter. Of sundry inhabitants of the town of Ira, St. Clair county, praying that a portion of Cottrelville be annexed to said township. Referred to the committee on towns and counties.

By Mr. Tyler. Of Moses Taft and William Herrington, praying an extension of time for the payment of certain school lands. Referred to the committee on university and school lands.

By Mr. Lamb. Of inhabitants of the township of Dryden, Lapeer county, for the organization of a township. Referred to the committee on towns and counties.

By Mr. Stockton. An application of the commissioners of

Macomb county, relative to the use of the Wayne county jail. Referred to the committee on the judiciary.

By Mr. Smith. Of sundry inhabitants of Monroe, praying that nursery property may be exempt from taxation. Referred to the committee on agriculture.

By Mr. Harding. Two several claims of Josiah Snow, as administrator on the estate of S. W. Johnson, deceased ; also, a claim of Snow & Fisk, for stationery furnished the state ; also, the claim of James A. Van Dyke, for services rendered the state ; which several claims were referred to the committee on claims.

Mr. Daniels presented the claim of G. W. Jermain, for services as commissioner under the "Act to provide for the sale of certain lands to the settlers thereon," &c., which was referred to the committee on claims.

Mr. G. Spencer presented the remonstrance of citizens of Saginaw county, against the rejection of the votes of Tuscola township, which was referred to the committee on elections.

Mr. G. Spencer also presented sundry documents in relation to the election in Mackinac; which, on his motion, were also referred to the committee on elections.

Mr. Bingham presented the memorial of Samuel Phillips, Lemuel Goodell, Ammon Brown, George W. Ferrington, Elijah J. Roberts, John Scott and Daniel Goodell, claiming the seats in the House of Representatives, now occupied by the members from Wayne county; which, on motion, was referred to the committee on elections.

Mr. G. Spencer moved that the House take up the petition presented yesterday from citizens of Washtenaw county, asking for a reduction of the pay of members of the legislature, to two dollars per diem, which motion did not prevail.

The Chair announced a communication from the board of regents of the university of Michigan, which was, on motion, referred to the committee on education.

(See Joint Document, No. 7.)

Mr. Walker gave notice that he would, at some future day, introduce a bill to renew "An act for the destruction of wolves."

Mr. Walker gave notice that he would, at some future day, introduce a bill to reduce the minimum price of school and university lands.

Mr. Walker laid on the table the following joint resolution:

Whereas, The system of granting prœemption rights to settlers upon the public lands, has, by repeated enactments of the national legislature, become the settled policy of the nation; and,

Whereas, The west is greatly indebted to that policy for its rapid and unprecedented increase in wealth and population; and,

Whereas, The continuance of that policy is of vital importance to the settlement and growth of the new states; and,

Whereas, It is desirable that that policy should be uniform and permanent, prospective as well as retrospective; and,

Whereas, The following bill has been introduced into the Senate of the United States, viz:

A Bill to establish a permanent prospective prœemption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this act, every head of a family, every widow, and all who shall make a settlement on any of the public lands to which the Indian title has been, or shall be, extinguished, whether the same be surveyed or not, or who may have settled on such land since the 30th day of June, 1840, and who shall inhabit and improve the same, and raise a log cabin thereon, shall be entitled to a prœemption in the purchase of one quarter section, to be paid for at the minimum price of such land, at the time of paying for the same.

Sec. 2. *And be it further enacted*, That where the improvement and settlement shall be on different quarter sections, the settler shall make choice of the quarter he will take, provided it can be done without prejudice to the rights of others.

Sec. 3. *And be it further enacted*, That where the quantity of one hundred and sixty acres cannot be obtained in one

entire quarter section, the deficiency may be made up out of any contiguous vacant ground.

Sec. 4. *And be it further enacted*, That in the execution of this act, and in making up the quantity of one hundred and sixty acres, where the same cannot be had entire, the entires may be made in tracts of eighty acres, or forty acres, or in fractions; and where the fraction shall be more than the quantity required to complete the prẽemption, the excess shall be paid for, and the prẽemptive right shall extend to the whole fraction.

Sec. 5. *And be it further enacted*, That where two or more persons shall have settled on the same quarter section, the same shall be divided between them, and the deficiency made up to each out of contiguous vacant ground; but no willful intruder on the known rights of another shall be entitled to any benefit under this section.

Sec. 6. *And be it further enacted*, All legal reservations of public lands, for any purpose whatever, shall be exempt from the operation of this act, so that no right of the prẽemption shall accrue on any such reserves.

Sec. 7. *And be it further enacted*, That all questions in relation to prẽemption claims, or between claimants to the same quarter section, shall be settled summarily and definitively by the register and receiver of the district, under the instructions of the commissioner of the general land office.

Therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed, and our representative be requested to vote for said bill, or such modifications thereof as will most effectually secure and advance the interests of the settlers upon the public lands.

Mr. Biddle offered the following:

Resolved, That S. Phillips and others, claiming seats in this House, be permitted to take seats and participate in any debate or discussion which may arise upon any report of the committee of elections, upon the late election in Wayne county.

Mr. Miller offered the following as a substitute, which was accepted by Mr. Biddle:

Resolved, That the claimants for seats in this House from the county of Wayne, be allowed to appear before this House, to enforce their claims by themselves and counsel.

The question then being upon the resolution offered by Mr. Miller,

Mr. Metcalf offered the following amendment:

Resolved, That S. Phillips and others, claiming seats in this House, from the county of Wayne, be entitled to seats in this House, during the discussion of the report of the committee on their claims, but without the privilege of voting.

Mr. Hammond moved the following amendment to the amendment, which was accepted by Mr. Metcalf:

Resolved, That S. Phillips and others, claimants of seats in this House, from the county of Wayne, be permitted to take their seats in this House, and participate in the debates of this House in reference to their claims, until the question of their seats is finally disposed of.

Mr. Miller accepted Mr. Metcalf's amendment, as amended.

The question then recurring upon the resolution as amended, Mr. Biddle offered the following as an amendment:

Resolved, That S. Phillips and others, claiming seats in this House be, upon the receipt of any report from the committee on elections, on the subject of their claims, permitted to take their seats and participate in any debate or discussion which may arise upon such report of said committee, upon the late election in Wayne county.

Mr. G. Spencer moved the following amendment to the amendment:

Resolved, That S. Phillips and others, claiming their seats as representatives in this House, be permitted to appear before the committee on elections, in person or by counsel, with full liberty to present their claims to said committee, and also to appear and debate their claims before the House, upon the report of such committee, and that said committee be requested to report on or before the 15th inst.

Which amendment did not prevail.

The question then being upon Mr. Biddle's amendment, the same was rejected.

The question recurring upon the passage of the resolution, the same prevailed by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Russell,
Mr. Biddle,	Mr. Humphrey,	Mr. Smith,
Mr. Bingham,	Mr. Lamb,	Mr. M. Spencer,
Mr. Brown,	Mr. Lee,	Mr. G. Spencer,
Mr. Bush,	Mr. Leech,	Mr. Sprague,
Mr. Clark,	Mr. Metcalf,	Mr. Stockton,
Mr. Coates,	Mr. Miller,	Mr. Strong,
Mr. Cook,	Mr. Morton,	Mr. Tinney,
Mr. Copeland,	Mr. Olin,	Mr. Tyler,
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,
Mr. Daniels,	Mr. Redfield,	Mr. Wilcox,
Mr. Dolsen,	Mr. Renwick,	Mr. Willits,
Mr. Gillett,	Mr. Rogers,	Mr. Wood,
Mr. Hammond,	Mr. Root,	

41

NAYS.

Mr. Geddes,	Mr. Pierce,	Mr. Speaker,
Mr. Hawley,	Mr. Porter,	

5

The Chair announced a communication from the board of internal improvement, accompanying their annual report; which, on motion of Mr. Smith, was referred to the committee on internal improvement.

(See Joint Document, No. 4.)

On motion of Mr. Biddle, it was

Resolved, That a select committee of three be appointed to take into consideration the joint rules of this House.

On motion of Mr. Coates,

Resolved, That the secretary of state be directed to furnish to each member of this House, a copy of the revised statutes, a copy of the journals and documents of each house for 1840, and a copy of the session laws for 1837, 1838, 1839 and 1840.

On motion of Mr. Smith,

Resolved, That the attorney general be, and he is hereby directed to report, without delay, to this House, what measures, (if any,) have been taken by him, in obedience to the joint resolution of the Senate and House of Representatives of Michigan, relative to the Huron bridge, approved 29th January, 1838; and if he has not fully obeyed said resolution, that the

said attorney general further report to this House, his reasons for such disobedience or failure.

Mr. G. Spencer asked and obtained leave to introduce "A bill to establish the pay of members and officers of the legislature, and for other purposes," which was twice read, and on motion of Mr. Bingham, was referred to the committee on ways and means.

Mr. Biddle asked to be excused from serving as a member of the committee on university and school lands; which request the House refused to grant.

On motion of Mr. Smith,

The House took up the joint resolution relative to the completion of all lake harbors commenced by the general government; and the same was read a third time and adopted.

On motion of Mr. G. Spencer,

The petitions offered yesterday, relative to a reduction of the per diem allowance of members of the legislature, were taken up and referred to the committee on ways and means.

Mr. G. Spencer asked and obtained leave to introduce "a bill to reduce the price of printing," which was twice read, and referred to the committee on printing.

On motion of Mr. Brown,

Resolved, That the committee on the judiciary be instructed to inquire whether any, and what alterations are necessary in the existing laws to provide for the proper and uniform compensation of the collectors of the several townships in this state, and report by bill or otherwise.

On motion of Mr. Wilcox,

The House took up the motion laid upon the table on the 6th instant, to elect a recording clerk; and the question being shall the House now proceed to the election of a recording clerk? the same was decided in the affirmative.

Mr. Stockton nominated Charles M. Bull.

Mr. Porter nominated Alexander G. Abel.

The House then proceeded to the election of a recording clerk, which resulted as follows:

FOR CHARLES M. BULL,

Mr. Curtis,	Mr. Leech,	Mr. Stockton,	
Mr. Hammond,	Mr. Smith,	Mr. Walker,	
Mr. Lee,	Mr. M. Spencer,		8

FOR ALEXANDER G. ABEL,

Mr. Barlow,	Mr. Hawley,	Mr. Root,	
Mr. Biddle,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Brown,	Mr. Larue,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Copeland,	Mr. Miller,	Mr. Tyler,	
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,	
Mr. Geddes,	Mr. Porter,	Mr. Wood,	
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,	
Mr. Harding,	Mr. Rogers,		29

FOR J. P. C. EMMONS,

Mr. Clark,	Mr. Olin,	Mr. Russell,	
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,	6

FOR JOHN BLANK,

Mr. Bingham,	Mr. Bush,	Mr. Redfield,	3
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The Chair announced Alexander G. Abel, as duly elected to the office of recording clerk.

Alexander G. Abel and Paul Geddes, were then sworn into office, and entered upon the duties of their respective offices.

On motion of Mr. G. Spencer,

Resolved, That the committee on supplies, be authorized to cause the hall of the House to be cleansed, and the carpet to be repaired, and to repair the drawers of the members tables.

[The following report is placed upon the journal in pursuance of the resolution offered by Mr. G. Spencer, and adopted on the 8th instant:]

County canvassers' statement of votes given for representatives.

Statement of votes given in the county of Wayne, and state of Michigan, for members of the House of Representatives, of the state, at the general election holden on the second and third days of November, 1840.

The whole number of votes given for the said office of representatives to the state legislature, at said election, was twenty-nine thousand two hundred; and they were given for the following persons, viz: two thousand one hundred and fifty-one of them for John Biddle; two thousand one hundred and thirty-five of them for Roswell Root; two thousand one hundred and thirty-eight of them for Eurotas Morton; two thousand one hundred and thirty-three of them for Alonzo T. Mather; two thousand one hundred and thirty-two of them for Levi E. Dolsen; two thousand one hundred and fifty-one of them for Fisher A. Harding; two thousand one hundred and fifty of them for Shadrach Gillett; two thousand and thirty-five of them for Lemuel Goodell; two thousand and thirty-one of them for Ammon Brown; two thousand and thirty-four of them for George W. Ferrington; two thousand and thirty of them for John Scott; two thousand and eight of them for Eli-

jah J. Roberts; two thousand and thirty-nine of them for Samuel Phillips; two thousand and twenty-eight of them for Daniel Goodell; one of them for Erotus Morton; two of them for S. Gillet; one of them for Jacob Black; and one of them for Roswell B. Rexford.

We hereby certify, that the above is a correct statement of the votes given in the county of Wayne, and state of Michigan, for members of the House of Representatives, at the general election holden on the second and third days of November, one thousand eight hundred and forty, as ascertained and made out by the board of county canvassers of said county, on the tenth and eleventh days of November, instant.

Detroit, November 11, 1840.

(Signed,)

ELI BRADSHAW,

Chairman of the board of County Canvassers.

(Signed,)

CHARLES PELTIER,

Secretary of the board of County Canvassers.

State of Michigan, Wayne county, ss.

I hereby certify, that the annexed is a true copy of the statement and certificate of votes given in this county for the office of representatives to the legislature of the state of Michigan, at the general election holden on the second and third days of November, 1840, together with the preamble and resolutions adopted by the board of county canvassers, delivered to me by said board, and of record in my office.

In witness whereof, I have hereunto set my hand and seal of office, this twelfth day of November, one thousand eight hundred and forty.

CHARLES PELTIER,

Clerk of Wayne County.

[The following preamble and resolutions, adopted by the board of canvassers, were ordered to be added to the above statement by a subsequent order of the House.] (*See Mr. Hammond's resolution, January 12.*)

Whereas, it appears from the return, and certificate accompanying the same, from the township of Hamtramck, that three hundred and thirty-four ballots were received by the inspec-

tors, for representatives, in said township, at the general election on the second and third days of November, instant; and that the ballot box containing said ballots, was, by accident or design, broken open, and said ballots lost or destroyed, before the canvass by said inspectors; and that for want of said ballots, so lost or destroyed, we cannot decide for what person or persons they were given, and consequently are unable to determine who have been actually elected representatives from this county; therefore,

Resolved, That the whole matter be referred to the consideration of the next legislature, with a recommendation from this board, that a new election for representatives be ordered in said county.

Resolved, That the clerk of this board be instructed to transmit a copy of this preamble and resolutions to the governor of this state, and the speaker of the house of representatives, of the next legislature.

(Signed,)

ELI BRADSHAW,

Chairman of the board of County Canvassers.

(Signed,)

CHARLES PELTIER,

Secretary of the board of County Canvassers.

Mr. Bush presented the following protest:

The undersigned, members of the House of Representatives, dissent from, and protest against the decision of the House in refusing to place upon its journal the attested return of the inspectors of election of the town of Hamtramck, of the votes given at the election holden on the 2d and 3d days of November, A. D. 1840, of which the following is a copy:

(Copy.)

Statement of votes given in the township of Hamtramck, in the county of Wayne, state of Michigan, at the general election, holden on the 2d and 3d days of November, 1840, of the following officers, namely: three electors of president and vice president of the United States, one member of congress, one sheriff, one county clerk, one county treasurer, one judge of probate, two associate judges, one county commissioner, two coroners, and one county surveyor.

The whole number of votes given for the said office of electors, was one thousand and two; and they were given for the following persons, viz: two hundred and thirty-two of them for Charles Moran; two hundred and thirty-two of them for Kinsley S. Bingham; two hundred and thirty-two of them for Charles E. Stewart; one hundred and two of them for Thomas J. Drake; one hundred and two of them for John Van Fossen, and one hundred and two of them for Hezekiah G. Wells.

The whole number of votes given for the said office of member of congress, was three hundred and thirty-five, and they were given for the following persons, viz: two hundred and thirty of them for Alpheus Felch; one hundred and four of them for Jacob M. Howard; and one for Theodore Williams.

The whole number of votes given for the office of sheriff, was three hundred and thirty-six, and they were given for the following persons, viz: two hundred and thirty-three of them for Daniel Thompson; and one hundred and three of them for Henry B. Holbrook.

The whole number of votes given for the said office of county clerk, was three hundred and thirty-six, and they were given to the following persons, viz: two hundred and thirty-one of them for Charles Peltier; and one hundred and five of them for Theodore Williams.

The whole number of votes given for the said office of county register, was three hundred and thirty-six, and they were given for the following persons, viz: two hundred and thirty-three of them for George R. Griswold; and one hundred and three of them for Josiah Snow.

The whole number of votes given for the said office of county treasurer, was three hundred and thirty-six, and they were given for the following persons, viz: two hundred and thirty-two of them for Reynolds Gillett; and one hundred and four of them for David French.

The whole number of votes given for the said office of judge of probate, was three hundred and thirty-six, and they were given for the following persons, viz: two hundred and thirty-

two of them for Cornelius O'Flynn; and one hundred and four of them for Alpheus S. Williams.

The whole number of votes given for the said office of associate judges, was six hundred and seventy-two, and they were given to the following persons, viz: two hundred and thirty-two of them for Eli Bradshaw; two hundred and thirty-two of them for Robert F. Elliott; one hundred and four of them for John L. Near; one hundred and four of them for John Simpson.

The whole number of votes given for the said office of county commissioner, was three hundred and thirty-six; and they were given for the following persons, viz: two hundred and thirty-two of them for Ambrose P. Young, and one hundred and four of them for Adolphus Brigham.

The whole number of votes given for the said office of coroners, was six hundred and seventy-two, and they were given for the following persons, viz: two hundred and thirty-three of them for James Hanmer; two hundred and thirty-three of them for James Gunning; one hundred and three of them for Israel Noble, and one hundred and three of them for Dyer Ramsdell.

The whole number of votes given for the said office of county surveyor, was three hundred and thirty-six, and they were given for the following persons: two hundred and thirty-two of them for Elijah Hawley, and one hundred and four of them for Hiram Wilmarth.

We hereby certify, that the above is a correct statement of the votes given in the town of Hamtramck, in the county of Wayne, and state of Michigan, at the general election holden on the second and third days of November, 1840.

(Signed,)

WM. B. HUNT,
LOUIS BEAUFAIT,
D. R. ROSE,

Inspectors of election in said township.

We further certify, that the representative box having on the evening of the second day of election, been broken open by accident or design, and nearly all the tickets in said box lost or destroyed, we are unable to make any return of the votes

polled for the members of the House of representatives of the state. The number of ballots put into that box for said representatives, corresponds with the aggregate number of persons who voted, except that two of the voters omitted to vote for representatives, as will appear by the original poll list accompanying this return. We further state our belief that the number of votes received by the candidates of the respective parties for the House of Representatives, corresponded with little variation, with the number received by the candidates of said parties for other offices on the occasion.

(Signed,)

WM. B. HUNT,
D. R. ROSE,
LOUIS BEAUFAIT,

Hamtramck, November 4, 1840.

State of Michigan, Wayne county, ss:

I, Charles Peltier, clerk of said county, do hereby certify, that the foregoing is a true copy of the original return of the inspectors of election of the town of Hamtramck, on file in my office, excepting, however, that the number of votes as stated in the original, are given in words at full length, and not in figures.

Witness my hand and the seal of said county, at Detroit, the second day of January, 1841.

CHARLES PELTIER,
Clerk of Wayne County.

The reasons why we dissent from and protest against said decision, are these: the House decided to place upon its journal, the return of the board of canvassers of the county of Wayne, as the evidence before the House, on which was based its decision—admitting to seats John Biddle and his associates, as Representatives from the county of Wayne. While the undersigned believe it to be only a part of that evidence, and that the above return from the inspectors of the town of Hamtramck, formed a part and a material part thereof, and that the publication of the return of the canvassers of Wayne county, as the whole evidence, is calculated to give a partial and erro-

neous view of the case, and as such, is injurious to the public and unjust to the minority of this House.

CHAS. G. HAMMOND,	KINSLEY S. BINGHAM,
C. P. BUSH,	HENRY SMITH,
S. R. WOOD,	MICHAEL SPENCER,
GEO. REDFIELD,	N. S. PHILBRICK,
JOSEPH COATES,	RUFUS TINNEY,
J. CLARK,	THOS. CURTIS,
CHARLES OLIN,	JAMES RUSSELL,
JOSIAH LEE,	L. S. HUMPHREY,
C. I. WALKER,	JNO. STOCKTON,
O. D. RICHARDSON,	G. C. LEECH,

January 9, 1841.

The Chair announced a special message from the executive accompanying a communication from the superintendent of public instruction, relative to a distribution of the school money which was ordered to lie on the table, and be printed.

(See Document No. 14.)

The Chair announced the following message from the Senate, through their secretary, Mr. Kellogg:

SENATE CHAMBER,
Saturday, January 9, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit herewith, a bill relative to the distribution of the primary school money, which bill the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate

And the "bill relative to the distribution of the primary school moneys, was twice read, and referred to the committee on the judiciary.

Mr. Smith moved that when the House adjourn, it meet again on Tuesday next, at twelve o'clock, noon; which motion was negatived; and,

On motion of Mr. Bingham, the House adjourned.

Monday, January 11, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, the members were all present, except Messrs. Humphrey, Lee, and Leech.

Mr. Stockton asked and obtained leave of absence for Messrs. Lee and Leech.

PETITIONS.

By Mr. Brown. Of inhabitants of Charleston and Ross townships, Kalamazoo county, for an alteration of the boundaries of said townships. Referred to the committee on towns and counties.

By the same. Of two hundred and four inhabitants of the county of Kalamazoo, relative to the abolition of slavery, and praying that the right of trial by jury may be extended to persons of color. Referred to the committee on the judiciary.

By Mr. Castle. Of inhabitants of Watertown, Clinton county, praying the passage of an act authorizing Philo Doty to erect a mill dam across the Looking Glass river. Referred to the committee on banks and incorporations.

Also, of inhabitants of Dewitt, Clinton county, for an act authorizing William Utley and others, to erect a mill dam across the Looking Glass river, near the county seat of said county. Same reference as above.

Also, of inhabitants of Clinton county, for a state road. Referred to the committee on roads and bridges.

Also, of the officers of Clinton county, for an act to transfer from Shiawassee county to Clinton county, certain taxes of 1838, in said county. Referred to the committee on the judiciary.

By Mr. Hammond. Of forty-seven inhabitants of Branch county, for a reduction of the price of university and school lands. Referred to the committee on university and school lands.

By Mr. Tyler. Of the commissioners of St. Joseph county, asking relief in relation to certain uncollected taxes. Referred to the committee on ways and means.

Mr. Renwick presented the claim of C. N. Ormsby, for services as commissioner under the "act to provide for the sale of certain lands to the settlers thereon," &c.; which was referred to the committee on claims.

On motion of Mr. Larue,

Resolved, That a select committee of five be appointed, to whom shall be referred all petitions and other matters relating to the settlers on university and state lands; with leave to report by bill or otherwise.

Mr. Larue, on leave, presented the petition of Robert Cathcart, a settler on the university land, praying relief. Referred to a select committee on that subject.

On motion of Mr. Porter,

Resolved, That the clerk of this House be, and that he is hereby authorized to contract with the postmaster of this city, that all letters and papers directed to the members of this House during its session, be delivered to the messengers or other officers thereof, for the use of the members to whom directed and that the postage thereon be paid by the state.

Mr. Bingham laid upon the table the following joint resolution:

Resolved, (if the honorable the Senate concur,) That this legislature will adjourn on the fifteenth day of February next.

On motion of Mr. Bingham,

Resolved, That the auditor general be respectfully requested to communicate to this House, a condensed statement of the amount of moneys which have come into the treasury on account of the five million loan; the aggregate appropriations which have been made from that loan, and the entire expenditures which have been made under those appropriations.

On motion of Mr. Renwick,

Resolved, That so much of the governor's message as relates to a new apportionment of members of the Senate and House of Representatives, be referred to a special committee of seven; one member thereof to be taken from each senatorial district.

On motion of Mr. Bingham,

Resolved, That the state treasurer be respectfully requested to communicate to this House, whether he has any knowledge of bonds having been executed by the fund commissioners under "An act to incorporate a state bank," and if so, in whose possession they remain.

On motion of Mr. Philbrick,

Resolved, That the judiciary committee be directed to take into consideration the propriety of revising the now existing laws relative to foreclosure of mortgages, so as to reduce the expenses of the same.

On motion of Mr. Metcalf,

Resolved, That the committee on elections have leave to sit during the session of the House, at their discretion.

On motion of Mr. Brown,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of such enactments, that real estate may be subject to attachment on execution issued from justice's courts, under certain circumstances; and, also, of so providing that executions issued in any county, may be renewed to take effect in any other, and report thereon.

Mr. Renwick, gave notice that he should ask leave to introduce a bill, to provide for the more speedy decision of questions of law arising in civil causes.

On motion of Mr. Porter,

The House took up for consideration the joint resolution from the Senate, "authorizing the governor to employ a private secretary."

And the question being upon the passage of the resolution, the same was lost by the following vote:

YEAS.

Mr. Castle,
Mr. Copeland,

Mr. Metcalf,
Mr. Pierce,

Mr. Stockton,

5

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Clark,

Mr. Harding,
Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Miller,

Mr. Root,
Mr. Russell,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,

Mr. Coates,	Mr. Morton,	Mr. Tinney,
Mr. Cook,	Mr. Olin,	Mr. Tyler,
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,
Mr. Daniels,	Mr. Porter,	Mr. Wilcox,
Mr. Dolsen,	Mr. Redfield,	Mr. Willits,
Mr. Geddes,	Mr. Renwick,	Mr. Wood,
Mr. Gillett,	Mr. Rogers,	Mr. Speaker,
Mr. Hammond,		

40

On motion of Mr. Walker,

The House took up his preamble and joint resolution "relative to the right of prẽemption to settlers on the public lands."

The resolution being under consideration, Mr. Harding moved to amend the same by striking out the following words: "said bill or such modifications thereof," and inserting in lieu thereof, "such measures;" pending which motion,

On motion of Mr. Walker,

The preamble and resolution were referred to the committee of the whole.

On motion of Mr. G. Spencer,

The House took up for consideration, his "joint resolution relative to a protective tariff."

Mr. Coates moved to refer the same to the committee on manufactures.

Mr. G. Spencer moved to amend the motion so that the committee be instructed to report on the same, the day after to-morrow; which motion did not prevail.

The question recurring upon the motion of Mr. Coates, the same was lost; and,

On motion of Mr. Larue,

The resolution was referred to the committee of the whole.

Mr. Coates offered the following resolution, which, by his consent, was laid on the table:

Resolved, That the sergeant-at-arms be requested to receive from the state printer and receipt to him, all documents printed for the use of this House, and keep a memorandum of the number so received, open to the inspection of any member of this House, and that he be further requested to make an equal distribution of all such documents, among the several members of this House.

On motion of Mr. Larue,

The report of the commissioners appointed under the "Act to provide for the sale of certain lands to the settlers thereon," &c., was taken up and ordered printed.

On motion of Mr. Hammond,

The report of the commissioners to locate the seat of justice of Branch county, was taken up and ordered printed.

On motion of Mr. Spencer,

The other documents accompanying the annual message of the executive, were taken up for consideration, and read; and

On his motion,

The report of the commissioners of the common schools of Connecticut, were referred to the committee on education.

The executive correspondence with the secretary of state of the United States, relative to the statutes of the United States, was, on motion of Mr. Hammond, ordered printed.

The correspondence and documents relative to the seizure of the baggage of the Hon. Henry Acker, by the officers of the custom house, in the city of Detroit, having been read, on motion of Mr. G. Spencer, a special committee of three was ordered to be appointed, to whom these documents were referred.

On motion of Mr. G. Spencer,

The vote ordering printed the executive correspondence, with the secretary of state of the United States, was reconsidered; and the same was referred to the above select committee.

On motion of Mr. Hammond,

The communication of the Philanthropic law reform association of the city of New York, was referred to the committee on the judiciary.

On motion of Mr. Pierce,

The report of the building commissioner of the state prison was referred to the committee on state prisons.

On motion of Mr. Walker,

The communication of John D. Pierce, Esq., furnishing certain statistical information relative to the county of Calhoun, was referred to the committee on internal improvement.

On motion of Mr. Hammond,

Resolved, That the "annual report of the acting superintendent of Indian affairs for Michigan," be referred to the committee on education, with a request that they report to this house their opinion on the propriety of printing the same for the use of the members.

(The several documents referred to above, will be found accompanying joint document No. 1.)

On motion of Mr. Copeland, the House adjourned.

Tuesday, January 12, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Mr. Russell was absent without leave.

Mr. Coates asked and obtained leave of absence for Mr. Russell, on account of indisposition.

The Chair announced the following select committee, on the joint rules, in pursuance of the resolution offered by Mr. Biddle, on the 9th instant, viz: Messrs. Miller, Hammond and Bingham.

Also, in pursuance of Mr. Renwick's resolution of yesterday, the following select committee on apportionment, viz: Messrs. Renwick, Harding, Humphrey, Clark, Porter, Barlow and Larue.

Also, the following select committee in pursuance of the resolution offered yesterday by Mr. Larue, to consider all matters relating to the settlers on university and state lands, viz: Messrs. Larue, Redfield, Morton, Metcalf and Walker.

Also, the following select committee in pursuance of the order of yesterday, to whom was referred the correspondence of the executive with the state and treasury departments of the United States, viz: Messrs. G. Spencer, Tinney and Copeland.

PETITIONS.

By Mr. Brown. Of sundry citizens of the town of Cooper, Kalamazoo county, praying for the reduction of the price of

school lands. Referred to the committee on university and school lands.

By Mr. Smith. Of Lewis E. Bailey, for compensation for the loss of a horse in sustaining the supremacy of the laws. Referred to the committee on claims.

By Mr. Pierce. The claim of Samuel Clements, for certain military services. Referred to the committee on militia.

By Mr. Hammond. The claim of A. Coquillard, for services rendered the committee on warming the House. Referred to the committee on claims.

By Mr. Spencer. Two several claims of James Saunders, sheriff of Washtenaw county, for stationery, &c., furnished the supreme and chancery courts. Referred to the committee on claims.

Mr. Pierce presented the memorial of Hiram L. Miller, claiming the right to a seat as a representative from the county of Saginaw; which, on motion of Mr. Pierce, was, with the accompanying documents, referred to the committee on elections.

Mr. Brown, chairman of the committee on elections, made a report on the documents referred to them, relative to the election in Saginaw county, and asked to be discharged from the further consideration of the subject.

On motion of Mr. Richardson,

The committee was accordingly discharged from the further consideration of the same.

On motion of Mr. Miller,

The vote discharging the committee from the further consideration of the Saginaw county election was reconsidered; and, the question being upon discharging the committee, the same was negatived; and,

On motion of Mr. Pierce,

The whole subject was referred back to the committee, with instructions to report again upon the same, as soon as practicable.

Mr. Larue, from the select committee on supplies, made a report on the resolution requiring them to procure the carpet of the House of Representatives cleaned and repaired.

The Chair announced a special message from the executive, relative to the improvement of the state salt springs, which was read; and,

On motion of Mr. Renwick,

The same, with the accompanying documents, were laid on the table and ordered printed.

(See Joint Document, No. 5.)

Mr. Smith presented the annual report of the River Raisin and Lake Erie railroad company, which was referred to the committee on banks and incorporations.

RESOLUTIONS AND NOTICES.

On motion of Mr. Renwick,

Resolved, That so much of the governor's message as relates to education and school lands, be referred to the committee on education.

That part in relation to the university and state lands, to the committee on the university and school lands.

That part in relation to courts of justice and costs accruing therein, to the committee on the judiciary.

That part in relation to the claims of commissioners appointed under the law to provide for the sale of certain lands to the settlers thereon and for other purposes, to the committee on claims.

That part relative to the state prison, to the committee on state prison.

That part of the message in relation to internal improvement, to the committee on internal improvement.

That part in relation to claims for damages on the line of the public works, to the committee on claims.

That part in relation to taxes, and that part of the message in regard to reduction of compensation of public officers, to the committee on ways and means.

That part of the message in regard to the interruption, (by the troops of the United States,) of the public works of the state, at the Saut de Ste Marie, to a select committee.

So much as relates to the "Act to provide for the sale of certain lands to the settlers thereon, and for other purposes," to the select committee on that subject.

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That part in relation to the claims of commissioners appointed under the law to provide for the sale of certain lands to the settlers thereon and for other purposes, to the committee on claims.

That part relative to the state prison, to the committee on state prison.

That part of the message in relation to internal improvement, to the committee on internal improvement.

That part in relation to claims for damages on the line of the public works, to the committee on claims.

That part in relation to taxes, and that part of the message in regard to reduction of compensation of public officers, to the committee on ways and means.

That part of the message in regard to the interruption, (by the troops of the United States,) of the public works of the state, at the Saut de Ste Marie, to a select committee.

So much as relates to the "Act to provide for the sale of certain lands to the settlers thereon, and for other purposes," to the select committee on that subject.

On motion of Mr. Biddle,

Resolved, That the act of last session, entitled "An act to define the eastern and southern boundaries of the township of Dearborn, Wayne county," be referred to the committee on the organization of towns and counties, with instructions to report whether further legislation may be necessary on the subject; and with power, if necessary, to send for persons and papers.

On motion of Mr. Metcalf,

Resolved, That the auditor general be requested to communicate to this House, what steps, if any, have been taken to secure the sum due the state, by the Morris canal and banking company, and, if any, what security has been obtained for the same.

On motion of Mr. Bingham,

Resolved, That the acting commissioner of internal improvement be requested to furnish this House with a statement of the number of persons that have passed over the Central railroad, or any part thereof, without the payment of fare, since the 31st of March last, and by what provisions of law they have been allowed so to pass.

Mr. G. Spencer gave notice, that he should, on some future day, ask leave to introduce "a bill making provision for selling real estate on judgments obtained before justices of the peace."

Mr. G. Spencer gave notice that he should, on some future day, ask leave to introduce "a bill to aid those who have money collected in the hands of their agents, in obtaining the same."

Mr. Lamb gave notice that he should, at a future day, ask leave to introduce "a bill for the regulation of township officers, and for other purposes."

Mr. Bush offered the following:

Resolved, That a select committee of five be appointed to inquire whether Levi E. Dolsen, who has been admitted to a seat on this floor, as a representative from the county of Wayne, is not a subject of the queen of Great Britain, and holding a seat here in violation of the constitution of the state, (which says, the senators and representatives shall be citizens of

the United States,) as well as against the express will of the people of the county of Wayne.

On motion of Mr. Metcalf,

The resolution was amended by striking out the following words: "as well as against the express will of the people of the county of Wayne."

Mr. Porter moved to amend the resolution by adding the following amendment, which was accepted by Mr. Bush: "and that the same inquiry be made in reference to Joseph Coates, a member of this House, from the county of Oakland."

On motion of Mr. G. Spencer,

The resolution was amended by striking out the words, "a select committee of five be appointed to," and inserting in lieu thereof, "the committee on elections."

Mr. Phillips inquired of the Chair, whether, under the resolution admitting him and his associates to seats in this House, with the right of debating such matters as relate to their claims to seats in this House, he had a right to speak to the merits of this resolution. To which, the speaker replied in the negative; but,

On motion of Mr. Biddle,

Mr. Phillips was permitted to speak.

The resolution yet being under consideration, Mr. Porter moved to further amend the same, by adding the following: "and also, whether Charles P. Bush, of Livingston county, was not elected by the illegal votes of aliens."

On motion of Mr. Bingham,

The resolution was further amended by adding the following: "and also, to inquire whether the representative from St. Clair was not elected by aliens imported from Canada."

The question then being upon the resolution, it was adopted.

Mr. Hammond offered the following resolution:

Resolved, That the clerk be instructed to correct the journal of the 8th inst., by adding that portion of the report of the board of county canvassers, for the county of Wayne, which was omitted in said journal; and that the clerk also cause the same to be printed entire, without leaving out any part, according to a resolution adopted by this House, on the 8th inst.

Mr. Pierce moved to lay the resolution on the table, which motion prevailed by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Renwick,
Mr. Biddle,	Mr. Harding,	Mr. Rogers,
Mr. Castle,	Mr. Larue,	Mr. Root,
Mr. Cook,	Mr. Mather,	Mr. G. Spencer,
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,
Mr. Daniels,	Mr. Miller,	Mr. Strong,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Speaker,

27

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Olin,	Mr. Stockton,
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,
Mr. Coates,	Mr. Richardson,	Mr. Walker,
Mr. Humphrey,	Mr. Smith,	

14

Mr. Hammond moved a reconsideration of the vote just taken; and,

On motion of Mr. Metcalf,

That motion was laid upon the table by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Bingham,	Mr. Larue,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. Miller,	Mr. Strong,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Porter,	Mr. Speaker,
Mr. Gillett,		

28

NAYS.

Mr. Bush,	Mr. Humphrey,	Mr. Smith,
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Richardson,	

14

Mr. Bingham moved a reconsideration of the last vote, which motion prevailed.

The question recurring upon the motion of Mr. Metcalf, it did not prevail.

The question recurring upon the motion of Mr. Hammond, the same prevailed.

The question then recurring upon the motion of Mr. Pierce, the same did not prevail.

The resolution then being under consideration, Mr. Phillips inquired again of the Chair, whether his right to debate extended to a discussion of the merits of this resolution; to which question, the Chair replied in the negative.

The resolution was then adopted by the following vote:

YEAS.

Mr. Biddle,	Mr. Hammond,	Mr. Porter,	
Mr. Bingham,	Mr. Harding,	Mr. Richardson,	
Mr. Bush,	Mr. Humphrey,	Mr. Rogers,	
Mr. Castle,	Mr. Lamb,	Mr. Root,	
Mr. Clark,	Mr. Larue,	Mr. Smith,	
Mr. Coates,	Mr. Leech,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Mather,	Mr. G. Spencer,	
Mr. Dolsen,	Mr. Morton,	Mr. Stockton,	
Mr. Geddes,	Mr. Olin,	Mr. Tinney,	
Mr. Gillett,	Mr. Philbrick,	Mr. Walker,	30

NAYS.

Mr. Barlow,	Mr. Miller,	Mr. Strong,	
Mr. Cook,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Renwick,	Mr. Willits,	
Mr. Hawley,	Mr. Sprague,	Mr. Speaker,	
Mr. Metcalf,			18

The Chair announced the following message from the Senate, through Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, January 12, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to inform you respectfully, that the committee on the part of the Senate, on the “joint rules for the two houses,” and on “rules for joint conventions,” consists of Senators Drake, Witherell and Fuller.

D. W. KELLOGG,

Secretary of the Senate.

Mr. Renwick gave notice of his intention to introduce, (by leave of the House,) “a bill to prescribe the powers of justices of the peace in civil proceedings.” Also, “a bill to provide for the reduction of costs in the prosecution of civil suits.”

On motion of Mr. Barlow, the House adjourned.

Wednesday, January 13, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, the members were all present except Mr. Lee, who was absent on leave.

The Chair announced the following select committee to whom was referred that portion of the governor's message, relative to the interference of the United States troops with the construction of the canal around the Saut de Ste Marie, viz: Messrs. Renwick, Wood and Stockton.

PETITIONS.

By Mr. Harding. A memorial of W. Smyth and sixteen others, journeymen printers, against the reduction of the price of printing. Referred to the committee on printing.

By Mr. Smith. Of N. D. Curtis and two hundred and forty-five others, citizens of Monroe county, respecting botanic physicians. Referred to the committee on the judiciary.

By the Speaker. Of sundry inhabitants of Lenawee county, praying a reduction of the price of school lands. Referred to the committee on university and school lands.

Mr. Richardson presented a communication from J. K. Averill, of Port Huron, St. Clair county, offering proposals to do the public printing. Referred to the committee on printing.

REPORTS.

Mr. Larue, from the committee on claims, to whom was referred the following claims, to wit: of A. Couquillard, for services rendered the committee on warming the House;

Of James Saunders, sheriff of Washtenaw county, for stationery furnished the supreme and chancery court, in 1839 and 1840; and,

Of G. W. Jermain, Caleb N. Ormsby and Richard Butler, for services as commissioners under the "act to provide for the sale of certain lands to the settlers thereon, and for other purposes," reported the following, "bill to provide for the payment of certain claims therein mentioned;" which was twice read and referred to the committee of the whole, and placed on the general order.

Mr. G. Spencer, from the committee on the judiciary, to whom was referred the Senate "bill relative to the distribution of the primary school moneys," reported the same back to the House without amendment; and the same was referred to the committee of the whole, and placed on the general order.

Mr. Brown, from the committee on elections, submitted a report of the majority of said committee on the election in the county of Saginaw, stating, that in their opinion "there is no choice in said county for the office of representative in the state legislature;" which report,

On motion of Mr. Redfield, was laid on the table.

Mr. Sprague, from the committee on education to whom was referred the "annual report of the acting superintendent of Indian affairs, for Michigan," with instructions to report on the propriety of having it printed for the use of members of this House, reported that they had examined its contents, and could see no necessity for having it printed; and requested to be discharged from a further consideration of the subject; the committee was accordingly discharged from its further consideration.

Mr. Renwick, in pursuance of previous notice asked and obtained leave to introduce "a bill to provide for the reduction of costs in the prosecution of civil suits;" which was twice read, and on his motion, referred to the committee on the judiciary.

Mr. G. Spencer, in pursuance of previous notice, asked and obtained leave to introduce "a bill amendatory to 'An act to amend the revised statutes, relative to primary schools;'" which was twice read, and on his motion, referred to the committee on the judiciary.

Also "a bill to amend an act entitled 'An act to regulate and prescribe the amount of fees;'" which was twice read, and on his motion, referred to the committee on the judiciary.

On motion of Mr. Metcalf,

The House took up for consideration his "joint resolution, re-

lative to a bankrupt law;" and, on motion of Mr. G. Spencer, the same was referred to the committee on the judiciary.

On motion of Mr. Hammond,

The House reconsidered its vote of yesterday, adopting the resolution offered by Mr. Metcalf, requiring certain information of the auditor general; and the question being upon the adoption of the resolution,

On motion of Mr. Hammond,

The same was amended by striking out "auditor general," and inserting in lieu thereof "state treasurer;" the resolution as amended was then adopted.

On motion of Mr. Coates,

The House took up his resolution laid on the table on the 11th inst., relative to a distribution of the documents printed for the use of the members of this House, and the same was adopted.

RESOLUTIONS AND NOTICES.

On motion of Mr. Walker,

Resolved, That so much of the governor's message as refers to the annual report of the acting superintendent of Indian affairs, for Michigan, be referred to the committee on the judiciary, together with said report.

Mr. Metcalf offered the following:

Resolved, That his excellency the governor, be respectfully requested to transmit to this House the report of the special committee appointed by the late house of representatives, to investigate the proceedings of the several boards of internal improvement.

Mr. Hammond offered the following amendment to the resolution, which was accepted by Mr. Metcalf:

And also how many copies of the same have been printed by order of his excellency, and what is the expense of printing, and if any part or the whole has been paid, and if so, out of what fund; and the resolution as amended was adopted.

On motion of Mr. Richardson,

Resolved, That the committee on the judiciary inquire into the expediency of providing by law, for the appraisal and set-

ting off to the plaintiffs in executions in satisfaction thereof, any real estate of the defendants upon which a levy shall be made, in lieu of the present law authorizing a sale of real estate levied on by execution.

Resolved, That the committee on ways and means, be instructed to inquire into the expediency of so altering the constitution of the state, as to provide for the convening of the legislature once in two years only; unless, on extraordinary occasions, the executive shall deem it necessary to have an extra session, and to report by bill or otherwise.

On motion of Mr. Clark,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so modifying the judiciary system of this state, as to organize a new court for the sole purpose of deciding questions of law.

And, also, of creating township courts, with appellant jurisdiction, to try all causes which may originate in the township, before justices of the peace, in which matters of fact only, are involved.

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reducing the fees and emoluments of the office of register of deeds and county clerks, respectively, and report by bill or otherwise.

On motion of Mr. Harding,

Resolved, That the committee on the judiciary be directed to inquire whether any alterations are necessary in the law relative to proceedings in replevin; to report by bill or otherwise.

On motion of Mr. Curtis,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of authorizing justices of the peace to issue writs of replevin, when the value of property does not exceed fifty dollars; and to report by bill or otherwise.

On motion of Mr. Strong,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the fee bill, that

judges of probate shall receive one dollar and fifty cents for granting letters of administration when the same may be opposed; and for examining and allowing an inventory, thirteen cents for each folio.

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of allowing the town clerk to grant licenses, without the expense of a meeting of the town board, and that they be requested to report by bill or otherwise.

Resolved, That the committee on towns and counties be, and are hereby instructed to inquire into the expediency of a law establishing the lines of townships according to the original survey, so as to avoid future legislation and expense upon that subject, and that they be instructed to report by bill or otherwise.

On motion of Mr. Biddle,

The committee on university and school lands was discharged from the further consideration of the petition of Moses Taft and William Herrington, settlers on the university lands, and the same was referred to the select committee on that subject.

Mr. G. Spencer, pursuant to previous notice, asked and obtained leave to introduce "a bill to aid those who may have money collected in the hands of their agents, in obtaining the same;" which was twice read and referred to the committee on the judiciary.

On motion of Mr. Bingham,

Resolved, That the judiciary committee be instructed to inquire whether the provision of the bill referred to them, in relation to attorneys, cannot be made applicable to the banks of this state, when they refuse to pay their debts.

On motion of Mr. Bingham,

The documents relative to the claim of J. P. King to a seat, as a member from Mackinac, and laid upon the table on the 4th instant, were taken up and referred to the committee on elections.

Mr. Porter gave notice that he would, at some future day,

ask leave to introduce a bill, entitled "an act to provide for the compensation of county treasurers for the collection of specific taxes."

On motion of Mr. Bingham,

Resolved, That the clerk of the House be requested to communicate the reply he has received from the state printer, as to the price for which he is willing to do the public printing, in pursuance of a resolution of this House, adopted January 5, 1841.

The clerk, (through the Speaker,) reported, that he had made the necessary inquiries of the state printer, but, as yet, had received no reply; and that, by the action of the House on the 6th instant, (authorizing the clerk to contract for the printing,) he had deemed the necessity of a reply from the state printer, and a report from the clerk, as superceded.

On motion of Mr. Bingham,

Resolved, That the clerk communicate to this House, with whom he has contracted for the printing of this House; the price fixed in said contract, and whether he received, or offered to receive, proposals from any other printer.

The clerk, (through the Speaker,) reported, that he had contracted with Dawson & Bates to do the printing at the price named in the resolution; that he had received no proposals from any one else to do the printing, nor did he deem that he was required, by the terms of the resolution, to advertise for proposals.

The Chair announced a communication from C. C. Jackson, Esq., in reply to a resolution requiring information of the attorney general, respecting proceedings against the Huron bridge company; which was ordered to lie on the table.

Mr. G. Spencer moved that the House resolve itself into committee of the whole, on the Senate "bill relative to the distribution of the primary school moneys;" which motion prevailed.

On motion of Mr. Hammond,

The vote just taken, was reconsidered.

The motion of Mr. G. Spencer, was then laid on the table.

On motion of Mr. Hammond,

The rule requiring all bills to be printed before they are considered in committee of the whole, was suspended.

The motion of Mr. G. Spencer,

That the House go into committee of the whole on the "bill relative to the distribution of the primary school moneys," was taken up, and the same prevailed.

The House then went into committee of the whole on said bill; Mr. Bingham in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House without amendment; which report was concurred in, and,

On motion of Mr. Bingham,

The bill was ordered to a third reading.

On motion of Mr. Hammond,

The rule requiring the second and third reading of bills to be on different days, was suspended, and the bill read a third time and passed.

On motion of Mr. Porter, the House adjourned.

Thursday, January 14, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, the same members were present as yesterday.

PETITIONS.

By the Speaker. Of sundry citizens of the state, praying such an alteration of the law, as to enable physicians practicing on the botanic system, to legally claim compensation for their services. Referred to the committee on the judiciary.

By Mr. M. Spencer. Of sundry citizens of Calhoun county, for the relocation of a part of the Van Buren state road. Referred to the committee on roads and bridges.

By Mr. Miller. A remonstrance of certain inhabitants of Ross and Charleston townships, Kalamazoo county, against an alteration of the boundaries of said townships. Referred to the committee on towns and counties.

Mr. Hammond presented the claim of William H. Wells, for stoves, &c., furnished the House of Representatives, by order of the committee on "warming the house." Referred to the committee on claims.

Mr. Daniels presented the claim of C. W. Hunt, for services as door keeper, *pro tempore*, of the House of Representatives. Referred to the committee on claims.

Mr. Philbrick presented the claim of Messrs. Denton and Hovey, for publishing the official canvass of the third senatorial district. Referred to the committee on claims.

REPORTS.

Mr. Brown, from the committee on elections, to whom was referred the papers and documents relative to the election of representative to the state legislature in the county of Mackinac, submitted a report thereon, accompanied by the following resolution:

Resolved, That John A. Drew, having been duly elected to the office of representative to the state legislature from the county of Mackinac, be admitted to his seat in this House.

Which report, with the accompanying documents,

On motion of Mr. Richardson,

Were laid on the table and ordered printed.

(See Document, No. 15.)

Mr. Redfield, from the same committee, submitted a minority report on the Saginaw county election for representative to the state legislature; and stated that in the opinion of the minority of the committee, "Jeremiah Riggs should be admitted to take his seat as a representative of Saginaw county."

Which report, together with the report of the majority of said committee, were,

On motion of Mr. Walker, ordered printed.

(See Document, No. 16.)

Mr. Stockton, from the committee on ways and means, to whom was referred the bill entitled "a bill to establish the pay of members and officers of the legislature, and for other purposes," reported the same back to the House, accompanied with a report thereon, from a majority of said committee, in which they state, that, in their opinion, "the bill ought not to pass."

The bill was referred to the committee of the whole, and placed on the general order; and,

On motion of Mr. Richardson,

The report was laid on the table and ordered printed.

(See Document, No. 17.)

The Chair announced a communication from the state treasurer, in reply to a resolution of inquiry, adopted on the 11th inst., relative to the bonds executed by the fund commissioners; which,

On motion of Mr. Hammond,

Was ordered to be printed with the documents.

(See Document, No. 19.)

Also, a communication from the auditor general, in reply to a resolution of inquiry adopted on the 12th instant, relative to appropriations from the five million loan; which,

On motion of Mr. Hammond,

Was ordered to be laid upon the table and printed.

(See Document, No. 18.)

The Chair announced the following message from the Senate, through Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, January 8, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the "joint resolution relative to the completion of lake harbors," which the Senate have concurred in and passed.

D. W. KELLOGG,
Secretary of the Senate.

RESOLUTIONS AND NOTICES.

On motion of Mr. Strong,

Resolved, That the committee on the judiciary be, and are hereby instructed to inquire into the expediency of so amending the constitution of this state, that the general elections shall be limited to one day, and that they be requested to report preparatory measures for that object.

Resolved, That the committee on the judiciary be and are hereby instructed to inquire into the expediency of providing by law, for the liberal payment of petit jurors in the circuit courts by the suitors, so that the counties may be relieved from taxes for said payment, and that said committee report by bill or otherwise.

Mr. Smith offered the following:

Resolved, That the committee on ways and means inquire into the expediency of reporting a bill to extend the time for the collection of taxes for 1840, until June next, and that said committee report with as much dispatch as practicable, by bill or otherwise.

The question being upon the adoption of the resolution, it did not prevail.

Mr. Harding offered the following, which, by consent, was laid on the table.

Resolved, That it shall hereafter be the duty of the clerk of the House of Representatives, to obtain and preserve a fair and unmutilated printed copy of each and every original bill introduced into the said House, and printed by its order, and that at the close of each session, the said clerk shall cause such copies to be carefully bound in boards, and deposited in the office of the secretary of state, to be kept for the use of the legislature.

Mr. Russell offered the following preamble and resolution:

Whereas, It appears by the annual report of the state treasurer, dated Detroit, December 30, 1840, that out of the contingent fund, there was paid, under date of April 20, 1840, to Gov. Woodbridge's order,

\$805 10

Carried forward,

§

	Brought forward,	\$
June 30, do	to warrant favor Gov. Woodbridge,	1,000 00
Nov. 30, do	do do do	1,000 00

Making, in all, \$2,805 10

without any explanation for what purposes, or to whom, the said sums were paid; therefore,

Resolved, That the executive be requested to inform this House, for what purposes the said sums above mentioned, were respectively drawn from the treasury, to whom the whole or any portion of the same, respectively, has been paid, and if paid, at what time, and for what specific services.

Mr. Cook moved that the resolution be laid on the table, which motion did not prevail.

Mr. Larue offered the following as a substitute for the resolution, which was accepted by Mr. Russell:

Resolved, That the governor be requested to communicate to this House, a statement of the expenditures made by his authority, from the contingent fund of this state.

The question being upon the adoption of the resolution, the same prevailed.

The question being upon the adoption of the preamble, it was rejected by the following vote:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,
Mr. Clark,	Mr. Philbrick,	Mr. Stockton,
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,
Mr. Hammond,	Mr. Richardson,	Mr. Walker,
Mr. Humphrey,	Mr. Russell,	Mr. Wood,

18

NAYS.

Mr. Barlow,	Mr. Gillett,	Mr. Porter,
Mr. Biddle,	Mr. Harding,	Mr. Rogers,
Mr. Brown,	Mr. Hawley,	Mr. Root,
Mr. Castle,	Mr. Lamb,	Mr. G. Spencer,
Mr. Coates,	Mr. Larue,	Mr. Sprague,
Mr. Cook,	Mr. Mather,	Mr. Strong,
Mr. Copeland,	Mr. Metcalf,	Mr. Tyler,
Mr. Daniels,	Mr. Miller,	Mr. Wilcox,
Mr. Dolsen,	Mr. Morton,	Mr. Willits,
Mr. Geddes,	Mr. Pierce,	Mr. Speaker,

30.

Mr. Richardson gave notice, that on some future day he should ask leave to introduce a bill to authorize the county commissioners of Oakland county, to borrow a sum of money of the superintendent of public instruction, or any other person or persons, or to raise the same by tax, not exceeding dollars per year, for the purpose of erecting a court house in said county.

Mr. Walker gave notice, that on some future day he should ask leave to bring in a bill to incorporate the Port Sheldon land company.

Pursuant to previous notice, **Mr. Walker** asked and obtained leave to introduce "a bill to amend an act entitled 'An act for the destruction of wolves,'" which was twice read and referred to the committee on agriculture.

Mr. Richardson moved that the committee of the whole be discharged from the further consideration of the "joint resolution relative to a protective tariff," which motion did not prevail.

On his request, the House excused **Mr. Spencer** from serving on the select committee, to whom was referred the correspondence of the executive, with state and treasury departments of the United States.

Mr. Bush, from the committee on enrolment, reported as correctly enrolled, the "Joint resolution relative to the completion of lake harbors."

Mr. Leech moved that when the House adjourns, it adjourn until Monday next, at 12 o'clock, noon, which motion did not prevail.

Mr. Wilcox moved that when the House adjourns to-morrow, that it adjourn until Monday morning next, at 10 o'clock; pending which,

On motion of **Mr. Biddle**, the House adjourned.

Friday, January 15, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, the following members were absent without leave: Messrs. Bingham, Bush, Clark, Curtis, Harding, Lamb, Leech, Porter, Redfield, Stockton and Walker.

LEAVE OF ABSENCE.

Mr. Richardson asked and obtained leave of absence for Messrs. Bingham and Bush, until Monday, and Mr. Walker, until Tuesday.

Mr. Philbrick asked and obtained leave of absence for Messrs. Leech and Curtis until Monday.

Mr. Spencer for Mr. Porter, until Tuesday.

Mr. Hammond for Mr. Redfield, for an indefinite period, on account of indisposition.

PETITIONS.

By the Speaker. Of sundry citizens, praying for such alteration of existing laws, as will enable physicians practicing on the botanic system, to recover compensation for their services. Referred to the committee on the judiciary.

By Mr. Castle. Of sundry inhabitants of the township of Owasso, in the county of Shiawassee, for the organization of a township. Referred to the committee on towns and counties.

Mr. Metcalf presented the claim of Daniel Munger, for advertising the adjutant general's orders in the year 1837. Referred to the committee on claims.

Mr. Spencer, from the committee on the judiciary, to whom was referred "a bill amendatory to 'An act to amend the revised statutes, relative to primary schools,'" reported the same back to the House with sundry amendments; which bill was referred to the committee of the whole and placed upon the general order.

The Chair announced a communication from the acting commissioner of internal improvement, in reply to a resolution of inquiry adopted on the 12th instant, relative to the number of free passengers that have passed over the Central railroad, since the 31st of March last; which communication,

On motion of Mr. Coates, was laid on the table and ordered printed.

(See Document, No. 20.)

Mr. Miller moved that when the House adjourns, it adjourn until Monday next, at 2 o'clock, P. M.; which motion prevailed.

On motion of Mr. Hammond,

The rule requiring bills to be on the members' tables one day, before considered in committee of the whole, was suspended.

On motion of Mr. G. Spencer,

The House then went into committee of the whole on the "bill to provide for the payment of certain claims therein mentioned," Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, without amendment; which report was concurred in.

On motion of Mr. Hammond,

The bill was ordered to a third reading.

On motion of Mr. G. Spencer,

The 22d rule, requiring the second and third reading of bills to be on different days, was suspended. And the said bill was then read a third time; when the question being upon its passage,

On motion of Mr. G. Spencer,

The following section was added by general consent:

Sec. 2. This act shall take effect from and after its passage.

The bill was then passed.

The Chair announced that Mr. Harding would fill the vacancy in the select committee on the executive correspondence with the treasury and state departments of the United States.

On motion of Mr. Metcalf, the House adjourned.

Monday, January 18, 1841.

The House met pursuant to adjournment.

The roll being called, the following members were absent without leave, viz: Messrs. Clark, Coates, Humphrey, Lamb, Pierce, Richardson, Stockton, Willits, Wood.

Mr. Brown asked and obtained leave of absence for Mr. Willits.

PETITIONS.

By Mr. G. Spencer. Of sundry citizens of Washtenaw county, for the reduction of pay of members and officers of the legislature; which, on motion of Mr. Bingham, was laid on the table.

By Mr. Mather. Of sundry citizens of the township of Dearborn, Wayne county, respecting the boundaries of said township. Referred to the committee on towns and counties.

By Mr. Bush. Of sundry citizens of Phelpstown, Ingham county, relative to the collection of highway taxes in said township. Referred to the committee on roads and bridges.

By Mr. Castle. A memorial and petition of Humphrey Wheeler, praying for relief. Referred to the committee on the judiciary.

By Mr. Larue. Of Jacob R. Davis, a settler on university land, asking for relief. Referred to the select committee on university and state lands.

The Chair announced a communication from the state treasurer in reply to a resolution of inquiry, adopted on the 13th instant, relative to the securities taken by him from the Morris canal and banking company, for the amount due by them on the five million loan; which communication,

On motion of Mr. Bingham, was laid on the table.

(See Joint Document, No. 8.)

RESOLUTIONS AND NOTICES.

Mr. Bingham offered the following preamble and resolutions, which, by his consent, were laid on the table for one day:

Whereas, the suspension of specie payments granted to the Bank of Michigan, and the Farmers' and Mechanics' bank of Michigan by the act entitled "An act to authorize the antici-

pation of certain instalments of the five million loan," approved March, 1840, was unsound and unjust in principle, and has proved injurious in its operation to the people of the state; therefore,

Resolved, That a further suspension by said banks, or any other banks of this state, ought not to be authorized, countenanced or tolerated by this legislature.

Resolved, That the committee on banks and incorporations, be instructed to inquire into the propriety of providing by law, that if any bank shall, after the first day of February next, refuse to redeem its notes or other evidences of debt in specie, in violation of its charter, its stockholders shall, thereupon and forever afterwards, be individually liable for all the debts of said bank in proportion to their stock, and subject to be sued by its bill holders and other creditors, as partners in trade are by existing laws, with other adequate and suitable penalties, to more effectually provide against the continuance or recurrence of a suspension of specie payments by the banks.

Mr. Wilcox offered the following resolution, which, by his consent, was laid on the table:

Resolved, That a committee of three be appointed, whose duty it shall be to furnish the state geologist with a list of names for all the surveyed townships of this state not yet named.

On motion of Mr. Biddle,

Resolved, That this House will go into committee of the whole on bill number two, "establishing the pay of members," &c., on Thursday next.

Mr. Smith gave notice that he should on some future day, ask leave to introduce "a bill to amend an act entitled 'An act to alter the route of the Havre branch railroad, and for other purposes.'" Also, "a bill to regulate the business of money exchangers and brokers, and for other purposes."

Mr. Walker, pursuant to previous notice, asked and obtained leave to introduce "a bill to incorporate the Port Sheldon land company," which was twice read and referred to the committee on banks and incorporations.

On motion of Mr. Harding,

The House took up his resolution laid on the table on the 10th instant, requiring the clerk to preserve a file of House bills to be deposited in the secretary of state's office; and the resolution was then adopted.

On motion of Mr. Hammond,

The rule requiring bills to be on the tables of the members at least one day, before considered in committee of the whole, was suspended; and on his motion, the House went into committee of the whole on the "bill amendatory to 'An act to amend the revised statutes, relative to primary schools,' " approved April 1, 1840; Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with an amendment, which was concurred in.

The bill being yet under consideration, Mr. Bush moved to further amend the same, by adding the following section:

Sec. 5. The qualified voters of any organized township in this state, at the annual township meeting, may vote such sum of money, to be raised in the township, for the support of common schools, as they shall deem expedient: *Provided*, such sum shall not exceed three times the amount received from the school fund by said township, the last preceding year.

Mr. Metcalf moved to amend the amendment by adding the following, which was accepted by Mr. Bush.

"And in case the town shall refuse or neglect to vote such sum, it shall be the duty of the county commissioners to add to the taxes to be collected in said town, a sum equal to that received from the school fund."

The question then being on the amendment as amended,

On motion of Mr. Walker,

The whole subject was referred to the committee on education.

Mr. Metcalf offered the following resolution, which, by his consent, was laid on the table:

Resolved, That the commissioners appointed to settle with the Michigan state bank; be requested to communicate to this

House, the probable sum secured to this state, and such other information as they may possess in relation to the same, which they may deem important.

Mr. Strong offered the following resolution:

Resolved, That the committee on joint rules be requested to report forthwith.

Which resolution, on motion of Mr. Bingham, was laid upon the table.

On motion of Mr. Bush, the House adjourned until to-morrow morning, at 10 o'clock.

Tuesday, January 19, 1841.

The House met pursuant to adjournment.

The roll being called, Messrs. Pierce and Richardson were absent without leave.

PETITIONS.

By Mr. Castle. Of sundry inhabitants of the township of Sena, county of Clinton, for an act to legalize certain acts of the officers of that township. Referred to the committee on the judiciary.

By Mr. Hammond. Of certain inhabitants of Branch county, for the division of the town of Bronson, in said county. Referred to the committee on towns and counties.

By Mr. Castle. Of sundry inhabitants of the township of Sena, Clinton county, for the alteration of the name of said town. Referred to the committee on towns and counties.

By Mr. Brown. Of inhabitants of town four south, ranges nine and ten west, now attached to the township of Brady, Kalamazoo county, to be set off and organized into a separate township. Referred to the committee on towns and counties.

By Mr. Hawley. Of Wilson Ferris, for payment for a certain amount of brick, furnished to build state prison. Referred to the committee on claims.

Mr. Hammond presented a remonstrance from certain inhabitants of Branch county, against the division of the township of Bronson. Referred to the committee on towns and counties.

Mr. Porter presented the memorial of H. N. Munson, treasurer of St. Clair county, in relation to the bounty on certain wolves destroyed. Referred to the committee on claims.

Mr. Porter presented the annual report of the St. Clair and Romeo railroad company, concerning expenditures on said road, up to January 1, 1841. Referred to the committee on banks and incorporations.

Mr. Metcalf presented a communication concerning Moses Taft, a settler upon university lands, which was referred to the select committee on university and state lands.

RESOLUTIONS AND NOTICES.

On motion of Mr. M. Spencer,

Resolved, That the committee on roads and bridges be instructed to inquire into the expediency of so amending the present law, as to abolish the office of road commissioners, and assign their duty to the county commissioners, together with the county surveyor, whose duty it shall be to survey all the roads in the county, and make out the probable expense that it will cost to make the roads in good repair.

On motion of Mr. Smith,

Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire and report to this House, as early as practicable, in whom the title to this capitol is vested, under the act or acts of congress, relative thereto.

Mr. G. Spencer gave notice that he should on some future day, ask leave to introduce "a bill to amend an act entitled 'An act to incorporate the village of Ypsilanti,' and the act or acts amendatory thereof."

On motion of Mr. Bingham,

The House took up for consideration, the preamble and resolutions offered by him and laid on the table yesterday, relative to a suspension of specie payments by the banks, by the following vote:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,

Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Larue,

Mr. Renwick,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,

Mr. Bush,	Mr. Leech,	Mr. Sprague,	
Mr. Castle,	Mr. Mather,	Mr. Stockton,	
Mr. Clark,	Mr. Metcalf,	Mr. Strong,	
Mr. Coates,	Mr. Miller,	Mr. Tinney,	
Mr. Copeland,	Mr. Olin,	Mr. Tyler,	
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,	
Mr. Daniels,	Mr. Porter,	Mr. Wood,	
Mr. Dolsen,	Mr. Redfield,		85

NAYS.

Mr. Cook,	Mr. Humphrey,	Mr. Root,	
Mr. Harding,	Mr. Morton,	Mr. Wilcox,	
Mr. Hawley,	Mr. Rogers,	Mr. Speaker,	9

The House excused Mr. G. Spencer from voting on this question.

The first resolution then being under consideration,

On motion of Mr. Lamb,

The same was amended by striking out the words "said banks or any other banks of" and inserting in lieu thereof, the words "the banks of."

Mr. Geddes moved to further amend the resolution by striking out the words "countenanced or tolerated," which was negatived by the following vote:

YEAS.

Mr. Barlow,	Mr. Daniels,	Mr. Miller,	
Mr. Biddle,	Mr. Dolsen,	Mr. Morton,	
Mr. Brown,	Mr. Geddes,	Mr. Rogers,	
Mr. Castle,	Mr. Hawley,	Mr. Root,	
Mr. Cook,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Copeland,	Mr. Mather,	Mr. Speaker,	18

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,	
Mr. Bush,	Mr. Metcalf,	Mr. Sprague,	
Mr. Clark,	Mr. Olin,	Mr. Stockton,	
Mr. Coates,	Mr. Philbrick,	Mr. Strong,	
Mr. Curtis,	Mr. Porter,	Mr. Tinney,	
Mr. Hammond,	Mr. Redfield,	Mr. Tyler,	
Mr. Harding,	Mr. Renwick,	Mr. Walker,	
Mr. Humphrey,	Mr. Russell,	Mr. Wilcox,	
Mr. Larue,	Mr. Smith,	Mr. Wood,	27

The resolution was then adopted by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,	
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Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Bingham,	Mr. Humphrey,	Mr. Russell,
Mr. Brown,	Mr. Lamb,	Mr. Smith,
Mr. Bush,	Mr. Larue,	Mr. M. Spencer,
Mr. Castle,	Mr. Leech,	Mr. G. Spencer,
Mr. Clark,	Mr. Mather,	Mr. Stockton,
Mr. Coates,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. Miller,	Mr. Tinney,
Mr. Curtis,	Mr. Olin,	Mr. Tyler,
Mr. Dolsen,	Mr. Philbrick,	Mr. Walker,
Mr. Geddes,	Mr. Porter,	Mr. Wood,
Mr. Hammond,	Mr. Redfield,	

38

NAYS.

Mr. Cook,	Mr. Rogers,	Mr. Wilcox,
Mr. Daniels,	Mr. Sprague,	Mr. Speaker,

6

The House refused to excuse Mr. Wilcox from voting.

The question then being upon the adoption of the second resolution, it prevailed by the following vote:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. Russell,
Mr. Bingham,	Mr. Larue,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Clark,	Mr. Metcalf,	Mr. Sprague,
Mr. Coates,	Mr. Miller,	Mr. Stockton,
Mr. Copeland,	Mr. Olin,	Mr. Strong,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Dolsen,	Mr. Porter,	Mr. Tyler,
Mr. Geddes,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Renwick,	Mr. Wilcox,
Mr. Hawley,	Mr. Rogers,	Mr. Wood,

36

NAYS.

Mr. Biddle,	Mr. Daniels,	Mr. Morton,
Mr. Brown,	Mr. Harding,	Mr. Root,
Mr. Cook,	Mr. Humphrey,	Mr. Speaker,

9

The question then being upon the adoption of the preamble,
On motion of Mr. Porter,

The same was amended by striking out all after the figures "1840," and inserting in lieu thereof, the following: "will by the terms of said act cease on the first day of February next, therefore," by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
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Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Cook,	Mr. Mather,	Mr. Sprague,
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,
Mr. Daniels,	Mr. Miller,	Mr. Tyler,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Porter,	Mr. Speaker,
Mr. Gillett,		

28

NAYS.

Mr. Bingham,	Mr. Humphrey,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Russell,	Mr. Wood,

18

The preamble as amended was then adopted.

The Chair announced the following message from the Senate:

SENATE CHAMBER,
Friday, January 15, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform you respectfully, that the Senate have passed “a bill authorizing the presiding judge of the circuit court of Wayne county, to sign a certain record,” and respectfully ask the concurrence of the House therein.

W. W. DEANE,

Acting Secretary of the Senate.

The “bill authorizing the presiding judge of the circuit court of Wayne county, to sign a certain record,” was twice read and referred to the committee on the judiciary.

On motion of Mr. Brown,

The House took up the report of the committee on elections, relative to the election of representative to the state legislature, in the county of Mackinac, and the same having been again read,

Mr. Metcalf moved the adoption of the resolution reported by said committee, declaring John A. Drew as duly elected to the office of representative from said county, and that he be admitted to his seat in this House.

Mr. Bingham moved that the further consideration of the subject be postponed until to-morrow; which motion did not prevail.

The question recurring upon the adoption of the resolution, Mr. Bush offered therefor, the following substitute:

Resolved, That in consequence of informality in the board of county canvassers of the county of Mackinac, in the canvass of the votes given for the office of representative to the state legislature, for the A. D. 1841, and for the want of a proper return from the board of canvassers, or a certificate from the county clerk of said county, this House comes to the conclusion that neither of the candidates are elected to their seats, as representative from said county, and that this House proceed accordingly in the premises.

Which substitute was not adopted.

The question again recurring upon the resolution, the same was adopted by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Renwick,
Mr. Biddle,	Mr. Humphrey,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Coates,	Mr. Mather,	Mr. Sprague,
Mr. Cook,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolsen,	Mr. Porter,	Mr. Speaker,
Mr. Geddes,	Mr. Redfield,	

29

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Olin,	Mr. Stockton,
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Russell,	Mr. Walker,
Mr. Gillett,	Mr. Smith,	Mr. Wood,
Mr. Hammond,		

16

The House excused Mr. Harding from voting on this question.

The Chair announced a special message from the executive, in reply to a resolution adopted on the 14th instant, requesting

him to communicate to this House, a statement of the expenditures made by his authority, from the contingent fund.

Which having been read, the message and accompanying documents were,

On motion of Mr. Bingham,

Laid on the table and ordered printed.

(See Document, No. 21.)

The Chair also announced a special message from the executive, accompanying the report of the state treasurer, of his proceedings under the "act to authorize the treasurer of the state to take further security for the five million loan."

The message having been read,

On motion of Mr. Hammond,

The message, with the accompanying documents, were ordered to be laid on the table, and three hundred copies, for the use of the members, printed.

Mr. Smith, from the committee on the militia, reported the following resolution:

Resolved, That the adjutant general of the state, report without delay to this House, what progress, if any, has been made in the formation of the Michigan state guards, under the act approved April 12, 1839; stating the number of men enrolled in said state guards, with the names of the commanders of the companies and regiments in which said men are enrolled; and also stating the number of times said corps of state guards has been instructed. And that the adjutant general further be directed to report the effect of the said law, for the organization of said state guards, on the militia establishment of the state, generally.

Which resolution was adopted.

On motion of Mr. Metcalf, the House adjourned.

Wednesday, January 20, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, Messrs. Copeland and Richardson were absent without leave.

Mr. G. Spencer asked and obtained leave of absence for Mr. Copeland for one day.

Mr. Bingham for Mr. Richardson, for two days.

The journal of yesterday having been read,

Mr. Roberts, (one of the claimants to a seat in this House from Wayne county,) remarked that he sent up to the Speaker yesterday, a communication which did not appear on the journal, and wished that the same might be entered on the journals.

The Speaker replied that it was sent up to the chair while the motion to adjourn was pending, and that he had not sufficient time to announce the same.

Mr. Hammond moved that Mr. Roberts be permitted to address the House upon the differences existing between the claimants to seats from the county of Wayne and the committee on elections, which motion did not prevail.

Mr. Hammond then moved that the communication sent up to the Speaker by Mr. Roberts, be entered on the journal.

Mr. Roberts inquired of the Speaker whether his right to debate extended to a discussion of the motion to enter his communication on the journal.

To which question the Chair replied in the negative.

The motion of Mr. Hammond being under consideration,

Mr. Porter called Mr. Hammond to order, and while preparing to submit his point of order in writing,

Mr. Hawley moved to lay the whole subject on the table.

Mr. Bingham objected to this motion, as being out of order, as Mr. Hammond was entitled to the floor.

The Chair decided the motion to lay on the table to be in order, as no member was actually occupying the floor when the motion was made.

Mr. Bingham appealed from the decision of the Chair.

And the question being, shall the decision of the Chair stand as the judgment of the House?

Pending which, Mr. Hawley withdrew his motion to lay on the table.

Mr. Porter then submitted his point of order, and the Chair decided that the remarks of Mr. Hammond, in support of his motion, were relevant to the question, and in order.

And the question being upon the motion to enter Mr. Roberts' communication on the journal,

On motion of Mr. Metcalf, the motion was laid on the table.

PETITIONS.

By Mr. Pierce. Of sundry citizens of the counties of Jackson and Washtenaw, for an appropriation upon the Central railroad between the villages of Dexter and Jackson. Referred to the committee on internal improvement.

By Mr. Porter. Of inhabitants of Port Huron, praying that Black river, in St. Clair county, be made a public highway. Referred to the committee on the judiciary.

By Mr. Castle. Of inhabitants of Shiawassee and Clinton counties, for the establishment of a certain state road. Referred to the committee on roads and bridges.

By Mr. Sprague. Of inhabitants of the township of Macon, Lenawee county, for a division of said township. Referred to the committee on the organization of towns and counties.

By Mr. Castle. Of inhabitants of Dewitt, Clinton county, for the organization of a certain township in said county. Referred to the committee on towns and counties.

By Mr. Renwick. Of sundry inhabitants of Washtenaw county, asking for the incorporation of a company for the purpose of manufacturing salt. Referred to the committee on manufactures.

By Mr. Walker. Of sundry inhabitants of Ionia and Kent counties, for the laying out of a state road. Referred to the committee on roads and bridges.

Mr. Stockton presented the claims of sundry persons for services rendered the state. Referred to the committee on claims,

Mr. Smith presented the claim of Peter B. Johnson, for sun-

dries furnished the capitol. Referred to the committee on claims.

REPORTS.

Mr. G. Spencer, from the committee on the judiciary, to which was referred a resolution of inquiry respecting the propriety of providing by law for setting off real estate upon appraisement on executions, reported that they had deemed it inexpedient to alter the existing laws upon that subject, and asked to be discharged from the further consideration of the same.

The committee was accordingly discharged; and,

On motion of Mr. Metcalf,

The report of the committee was referred to the committee of the whole.

Mr. G. Spencer, from the same committee, to whom was referred a resolution relative to the propriety of allowing township clerks to grant licences, reported adverse to a change of the law on that subject.

The committee asked to be, and were discharged from the further consideration of the subject; and,

On motion of Mr. Walker, the report was laid on the table.

Mr. G. Spencer, also, from the same committee, to which was referred the circular of the New York Philanthropic law reform association, in favor of a general bankrupt law, and to which was also referred certain resolutions on the same subject, reported, that in the opinion of the committee, no action by this legislature, touching this subject, is demanded by any sufficient indications of the will of a majority of the people of this state; and the committee asked to be discharged from the further consideration of the subject.

The committee were accordingly discharged; and,

On motion of Mr. Hammond,

The whole matter was laid on the table.

Mr. G. Spencer, also, from the same committee, to which was referred the Senate bill "to authorize the presiding judge of the circuit court of Wayne county to sign a certain record," reported the same back to the House without amendment;

which was referred to the committee of the whole and placed on the general order.

Mr. Larue, from the committee on claims, to which was referred the memorial of H. N. Munson, relative to the bounty on wolves destroyed, reported that the requisitions of the statute, in substantiating the claim, had not been sufficiently complied with; and therefore, in the opinion of the committee, the claim ought not to be allowed, and asked to be discharged from its further consideration.

The committee was accordingly discharged; and the report,
On motion of Mr. Hammond,
Ordered to be laid on the table.

Mr. Larue, from the same committee, to which was referred certain claims, reported "a bill to provide for the payment of certain claims therein mentioned," which bill was twice read, and referred to the committee of the whole and placed on the general order.

Mr. Sprague, from the committee on education, to which was referred the "bill amendatory to 'An act to amend the revised statutes, relative to primary schools,' " approved April 1, 1840, reported the same back to the House with an amendment; which bill and report was referred to the committee of the whole and placed on the general order.

Mr. Porter, from the committee on the judiciary, reported the following "bill amendatory to 'An act to provide for the disposition of prisoners apprehended within the county of Macomb;'" which was twice read, and referred to the committee of the whole and placed on the general order.

Mr. Miller, from the joint committee to revise the rules of the Senate and House of Representatives, in joint convention, reported in favor of the following amendments, viz: in

Rule 1st, after the word "Senate," strike out the words, "aided by the Speaker of the House of Representatives;" and also in the 6th rule, in the 5th line of said section, insert the words, "fixed by law or resolution, or," between the words "time" and "to."

Which report was concurred in by the House.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, January 20, 1841, }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform you respectfully, that the Senate have adopted the “joint rules for the Senate and House of Representatives,” and the “rules for the two houses in joint convention,” as reported by the joint committee, (on rules,) on the part of the Senate, to wit:

The joint rules, the same as in the printed manual of last session; and the rules for the two houses in joint convention, the same as in said manual, with the exception of an amendment to rule 1st, by striking out the words, “aided by the Speaker of the House of Representatives;” and an amendment to rule 6th, by adding after the word “time,” in the last line but one, the words, “fixed by law or resolution, or.”

D. W. KELLOGG,
Secretary of the Senate.

RESOLUTIONS AND NOTICES.

On motion of Mr. Metcalf,

Resolved, That the board of internal improvement be requested to communicate to this House, the probable cost of continuing the Southern railroad from Hillsdale to Branch; and also the cost of further continuing the same from Branch to Centreville, in the county of St. Joseph. Also, the probable cost of continuing the Central railroad from Jackson to Marshall; and the probable cost of further continuing the same to the village of Kalamazoo, in Kalamazoo county.

On motion of Mr. G. Spencer,

Resolved, That the auditor general be, and he is hereby requested to report to this House, the amount of money upon which the state can reasonably rely to replenish its treasury, (for a period embracing all the instalments to fall due on the five million loan,) from said loan or otherwise, exclusive of necessary reservations out of the same to meet the requisite balances of interest on the state bonds, stating the times, the

amounts, and the sources of the payments of such money; also, to report, in the same manner, the amount due, or to grow due to the state for said period, which he may consider of uncertain or doubtful payment, with his opinion upon the same. Also, to report the amount of the current ordinary expenses of the state government, aside from payment for damages for the past year, and what the estimate current expenses of a similar character, of the state government for the current fiscal year, will be.

On motion of Mr. Bingham,

Resolved, That the committee on banks and incorporations, be instructed to inquire whether a corporation known as the "Michigan insurance company," exercises banking powers? if so, under what color of law, to what extent they have issued bills or other liabilities to the public, what securities the public have for the redemption of their liabilities? and whether any or what legislation is necessary to protect the community from imposition and fraud? and that they have power to send for persons and papers, and report to this House as soon as practicable, by bill or otherwise.

On motion of Mr. Daniels,

Resolved, That the committee on the judiciary be instructed to inquire what alterations, if any, are necessary, in the "act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes," so as more effectually to secure the interests of those having claims against such corporations, and those holding stock therein.

On motion of Mr. Lamb,

Resolved That the committee on towns and counties inquire into the propriety and expediency of so amending the laws in relation to the assessment of property, as to have the assessors in the several townships throughout the state, elected for three years, and classified as are the county commissioners.

Mr. Hammond offered a resolution requiring certain information from the board of internal improvement, which he subsequently withdrew.

Mr. Walker gave notice that, at a future day, he should introduce a bill to amend section ten, of chapter two, title three, part one of the revised statutes.

Mr. Drew, from the county of Mackinac, appeared, was sworn into office by his honor Henry Chipman, presiding judge of the district court for the county of Wayne, and took his seat.

On motion of Mr. Brown,

The House took up the reports of the committee on elections, relative to the election of representative in the county of Saginaw, to the state legislature.

Mr. Metcalf moved the adoption of the resolution reported by the majority of said committee, which is in the words following:

Resolved, That whereas, Jeremiah Riggs and Hiram L. Miller, received each an equal number of votes for the office of representative to the state legislature, at the election held on the second and third days of November, 1840, in the county of Saginaw; therefore, neither the said Riggs nor Miller, are elected, and there is, therefore, a vacancy in the office of representative in the county of Saginaw.

After some discussion had on the above resolution, Mr. Smith moved to adjourn; which motion did not prevail.

The question then recurring upon the adoption of the resolution, the same prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. Rogers,
Mr. Biddle,	Mr. Larue,	Mr. Root,
Mr. Brown,	Mr. Mather,	Mr. G. Spencer,
Mr. Castle,	Mr. Metcalf,	Mr. Sprague,
Mr. Cook,	Mr. Miller,	Mr. Strong,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Porter,	Mr. Speaker,
Mr. Hawley,	Mr. Renwick,	

26

NAYS.

Mr. Bingham,	Mr. Humphrey,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,

**Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Harding,**

**Mr. Philbrick,
Mr. Redfield,
Mr. Russell,**

**Mr. Tinney,
Mr. Walker,
Mr. Wood,**

19

The House excused Mr. Gillett from voting on this question.

Messrs. Harding, Biddle and Mather severally requested to be excused, which request the House refused to grant.

Mr. G. Spencer offered the following resolution:

Resolved, That the question upon the contested election from said county, be referred back to the people, and that the governor be requested to order a new election.

Which resolution was adopted.

Mr. Biddle offered the following; which, by consent, was laid on the table:

Resolved, That Jeremiah Riggs and Hiram L. Miller shall receive the same per diem allowance and mileage, as may be established by law for members of this House; such allowance to be estimated from the commencement of the session, to the present day, inclusive.

On motion of Mr. Hammond,

Resolved, That the board of internal improvement be requested to communicate to this House, whether any allegations of fraud upon the state, said to have been committed at any time since the commencement of our public works, by any person or persons, who are, or have been, during the past year, employed by said board, on any of the public works, have come to their knowledge; or the knowledge of any one of them? if so, when did said board, or any of them, come to said knowledge? whether or not, any investigation has been made by the board, or in pursuance of their order? And further, what state of facts were developed by said investigation? and if said investigation shows any sum or sums equitably due to this state, from any such person, what measures, if any, have been adopted to collect the same?

The Chair announced a communication from the secretary of state, accompanying his annual report of the state and con-

dition of the state library; which communication, with the report,

On motion of Mr. Hammond,

Were referred to the committee on the library.

The Chair also announced a special message from the executive, in reply to a resolution adopted on the 13th inst., requesting his excellency to transmit to this House, the report of the special committee appointed to investigate the proceedings of the several boards of internal improvement, and also to inform the House how many copies of said report were printed, &c.; which message, having been read,

On motion of Mr. Porter,

The same was laid on the table, and ordered printed.

(See Document, No. 22.)

The original papers of the special committee accompanying the above message, were,

On motion of Mr. Metcalf,

Ordered to be deposited in the office of the secretary of state; and,

On motion of Mr. Hammond,

The printed report of the special committee was referred to the committee on internal improvement.

On motion, the House adjourned.

Thursday, January 21, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, Messrs. Drew and Copeland were absent without leave.

PETITIONS.

By Mr. Bingham. Of sundry inhabitants of the county of Ingham, for the organization of a township. Referred to the committee on towns and counties.

Mr. Richardson presented the memorial of S. M. Green, in relation to certain school district taxes. Referred to the committee on the judiciary.

Mr. Renwick presented the claim of E. P. Drake, for printing done for the state. Referred to the committee on claims.

REPORTS.

Mr. Harding, from the committee on the judiciary, to which was referred the "bill to provide for the reduction of costs in civil suits," reported the same back to the House, and submitted a report thereon, adverse to its passage.

The committee asked to be, and were discharged from its further consideration; and the report was ordered to be laid on the table, and the bill was referred to the committee of the whole, and placed on the general order.

Mr. Harding, from the same committee, to which was referred the resolution of the House, directing them to inquire into the expediency of so amending the constitution of this state, that the general elections shall be limited to one day, and requesting them to report preparatory measures for that object, reported the same back to the House, and asked for definite and final instructions upon the subject matter of the said resolution.

On motion of Mr. G. Spencer,

That portion of the resolution requiring the committee to report "preparatory measures," was stricken out, and the resolution was recommitted to the committee on the judiciary.

Mr. Hammond, from the same committee, to which was referred sundry petitions for the repeal of section eight, chapter two, title eight, part one of the revised statutes, reported adverse to the repeal of the same.

The committee asked to be, and were discharged from the further consideration of the subject.

Mr. Brown, from the committee on elections, to which was referred the subject of the election in the county of Wayne, submitted a majority report thereon; which having been read, Mr. Redfield, from the same committee, gave notice that he should, on to-morrow, make a minority report on the same subject; whereupon,

On motion of Mr. Metcalf,

The report submitted by Mr. Brown, was laid on the table.

The Chair announced the following message from the executive:

To the Speaker of the House of Representatives:

SIR—I have the honor to state, that I have this day approved, signed and deposited in the office of the secretary of state, a resolution entitled “A joint resolution relative to the completion of lake harbors,” the same purporting to have originated in the House of Representatives.

Very respectfully, your obedient servant,

WILLIAM WOODBRIDGE.

Executive Office, January 20, 1841.

RESOLUTIONS AND NOTICES.

Mr. Coates offered the following preamble and resolution:

Whereas, it appears by the journal of the last legislature, that a resolution was adopted by the House of Representatives, authorizing the appointment of a select committee, to sit during the recess, for the purpose of investigating all the accounts, contracts and proceedings of the board of internal improvement, with power to swear all witnesses, and to send for persons and papers; *and whereas*, it appears that H. T. Backus, John Stockton, T. P. Tucker, Nelson Dunham, and D. E. Brown, were appointed a select committee, in pursuance of said resolution, for the above named purposes, and that they sat during the recess, and made a report of their doings in the premises; therefore,

Resolved, That the auditor general be requested to inform this House, what sums of money were paid severally to H. T. Backus, John Stockton, T. P. Tucker, Nelson Dunham and D. E. Brown, for their per diem allowance and mileage; also, what further sums were paid to clerks and other officers employed by said committee, specifying to whom paid; also, the several sums paid to witnesses attending said committee, specifying to whom paid; also, what amount of money was paid for the use of rooms, stationery, and incidental expenses incurred by said committee; also, the amount paid for printing the report of the select committee; and also, a condensed statement of the several payments, and the authority upon which

they were made; and also, upon what authority said report was printed.

Which preamble and resolution were adopted.

On motion of Mr. Hammond,

Resolved, That the committee on university and school lands, be requested to report (if practicable,) within one week, on the petitions referred to them, praying the reduction of the price of university and school lands.

On motion of Mr. Metcalf,

Resolved, That the board of internal improvement, be requested to communicate to this House all the information which they may possess as to the existence of any previous mortgage or lien upon the property pledged by the Detroit and Pontiac railroad company, to this state.

Mr. Metcalf laid on the table the following resolution:

Resolved, That the committee on internal improvement be authorized to employ for a term not exceeding ten days, a clerk, for the purpose of copying for the use of the committee and this House, such statistical and other facts, having a relation to the various internal improvements of the state, as, in the estimation of such committee, may be deemed important.

On motion of Mr. Renwick,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending chapter three, title three, part first of the revised statutes, in regard to judges of probate, as to require the office of said judge to be holden at the county seat of each organized county of this state.

On motion of Mr. Daniels,

Resolved, That the committee on banks and incorporations be instructed to ascertain, as near as may be, by obtaining the opinion of the attorney general, or otherwise, the appropriate method of proceeding to investigate the affairs of the Lake Erie and River Raisin railroad company, to the end that some knowledge may be obtained of the right of said company to issue bank notes; of their means for redeeming the same; the amount in circulation and the amount of their stock; and, also, whether they can or cannot be compelled to redeem their old

notes; and that said committee report the views they may arrive at, to this House, with all convenient dispatch.

Mr. Biddle offered the following, which, by his request, was laid on the table:

Whereas, it appears that, at the election held on the first Monday and following Tuesday of November, 1840, the representative ballot box for Hamtramck, one of the townships in the county of Wayne, was destroyed before the ballots therein contained had been canvassed by the inspectors of election of said township;

And whereas, in consequence of the destruction of said ballot box, it is rendered doubtful for whom a majority of the votes polled at said election for representatives to the state legislature, for the county of Wayne, were given; therefore, in order that the will of a majority of the electors of the county of Wayne, in the choice of their representatives, may be clearly ascertained, it is

Resolved, That the question upon the contested election from the county of Wayne, be referred back to the people, and that the governor be requested to order a new election.

Mr. Bingham gave notice that he should, at some future day, ask leave to introduce a bill to authorize A. B. Williams to build a dam across the Cedar river, in the county of Ingham.

Mr. Harding gave notice that he would, at an early day, introduce a bill to authorize the President of the Senate and the Speaker of the House of Representatives, to administer oaths to the members and officers of their respective bodies.

Mr. Walker gave notice that, at a future day, he should ask leave to introduce a bill to amend an act for the relief of the county of Ottawa, approved March 30, 1840.

Mr. Walker, in pursuance of previous notice, asked and obtained leave to introduce "a bill to amend sections ten and eleven of chapter two, title three, part one of the revised statutes;" which was twice read and referred to the committee on the judiciary.

On motion of Mr. Biddle,

The House took up the resolution offered by him, and laid on the table yesterday, relative to paying the claimants to seats in this House, from the county of Saginaw. The resolution was then adopted.

The Chair announced as the special order of the day, the "bill to establish the pay of members and officers of the legislature, and for other purposes;" and,

On motion, the House went into committee of the whole on said bill; Mr. Richardson in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments; and the question being upon concurring in the report of the committee,

Mr. Coates moved to adjourn; which motion was negatived.

Mr. G. Spencer asked and obtained leave of absence for Mr. Drew, on account of indisposition.

Mr. G. Spencer moved a call of the House.

Mr. Smith moved to adjourn; which motion was negatived.

The question then recurring upon the motion for a call of the House, it did not prevail.

Mr. Smith again moved to adjourn; which motion was again negatived.

Mr. Renwick then moved a call of the House; which motion prevailed; and,

Upon calling the roll, Mr. Copeland was absent without leave.

Mr. Smith moved that the further proceedings under the call be dispensed with; which motion did not prevail.

Mr. Hawley asked and obtained leave of absence for Mr. Copeland, on account of indisposition.

On motion of Mr. Metcalf, the House adjourned.

Friday, January 22, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Marvin Allen.

The roll being called, the members were all present, except Messrs. Drew and Lee, who were absent on leave.

PETITIONS.

By Mr. M. Spencer. Of 156 citizens of Calhoun county, respecting the issue of shin-plasters by the corporation of the city of Detroit. Referred to the committee on banks and incorporations.

By Mr. Speaker. Sundry documents from S. Hale, of Lenawee county, relative to his election as county commissioner for said county, and praying the passage of a declaratory act on the subject of his election. Referred to the committee on the judiciary.

By Mr. Larue. Of Moses Finch, a settler on the university and state lands, for relief. Referred to the select committee on that subject.

By Mr. Hawley. Of inhabitants of Tompkins, Jackson county, praying for an alteration of the Clinton and Grand river road. Referred to the committee on roads and bridges.

Mr. Hammond presented the claim of H. E. Perry, for repairs, done to the capitol. Referred to the committee on claims.

REPORTS.

Mr. Redfield, from the committee on elections, submitted a minority report upon the subject of the Wayne county election; which having been read,

On motion of Mr. Coates, was laid on the table and ordered printed.

On motion of Mr. G. Spencer,

The report of the majority of said committee, on the same subject, was also ordered printed.

(See Document, No. 23.)

Mr. Barlow, from the committee on banks and incorporations, to which was referred the "bill to incorporate the Port Sheldon land company," reported the same back to the House, and adverse to its passage.

On motion of Mr. Walker, the bill was laid on the table.

The Chair announced the following message from the Senate, through their secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, January 21, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit to you “a bill authorizing county commissioners to reestablish a distinction between county and township poor.” Also, a “joint resolution relative to the duty of the sergeant-at-arms of both houses,” and respectfully to inform you, that the Senate have passed the same, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

The “bill authorizing county commissioners to reestablish a distinction between county and township poor,” was twice read and referred,

On motion of Mr. Hammond, to the committee on agriculture.

And the “joint resolution relative to the duty of sergeant-at-arms,” was laid on the table for one day, according to rule.

On motion of Mr. Wilcox,

The special message of the executive, and the accompanying documents relative to the state salt springs, was taken up; and,

On motion of Mr. Renwick,

The same was referred to the committee on manufactures.

On motion of Mr. Metcalf,

The House took up his resolution laid on the table yesterday, authorizing the committee on internal improvement, to employ a clerk for certain purposes; and the same was then adopted.

RESOLUTIONS AND NOTICES.

On motion of Mr. Metcalf,

Resolved, That three hundred copies, each, of the two re-

ports (in lieu of the usual number,) of the committee on elections, be printed.

On motion of Mr. Porter,

Resolved, That the committee on the judiciary be instructed to inquire into the justice and expediency of repealing "An act for the relief of the Bank of St. Clair," approved March 9, 1840; and also, whether it be not just and expedient to provide some enactment to enforce the assessment and collection of taxes on the capital stock of said bank, for the year 1840, and report with all convenient dispatch, by bill or otherwise.

On motion of Mr. Dolsen,

Resolved, That the committee on militia, be instructed to inquire into the expediency of so amending the 45th section of the militia law of Michigan, as to dispense with paying to each brigade and division inspector, the sum of sixteen dollars per day each, and to report by bill or otherwise.

Mr. Rogers offered the following:

Resolved, That the committee on banks and incorporations, be requested to take into consideration the propriety of chartering a state bank, and that they be instructed to report by bill or otherwise; which was not adopted.

Mr. Smith, agreeably to previous notice, asked and obtained leave to introduce "a bill to regulate the business of brokers and exchange dealers."

Mr. Wilcox moved that the bill be laid on the table, which motion did not prevail.

Mr. Smith moved its reference to the committee on ways and means, which motion did not prevail.

On motion of Mr. Bingham,

It was then referred to the committee on banks and incorporations.

UNFINISHED BUSINESS.

The Chair announced as the unfinished business, the report of the committee of the whole, on the "bill to establish the pay of members and officers of the legislature and for other purposes."

The first amendment reported by the committee of the whole being under consideration, viz: to strike out in the fourth line,

the word "two," and insert in lieu thereof, "three;" also, to insert after the word "services," the words following: "during the first sixty days of the session, and one dollar per day for each succeeding day of such session," the same was adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Leech,	Mr. Smith,	
Mr. Bingham,	Mr. Metcalf,	Mr. M. Spencer,	
Mr. Brown,	Mr. Miller,	Mr. Sprague,	
Mr. Bush,	Mr. Morton,	Mr. Stockton,	
Mr. Castle,	Mr. Olin,	Mr. Tinney,	
Mr. Clark,	Mr. Philbrick,	Mr. Tyler,	
Mr. Coates,	Mr. Porter,	Mr. Wilcox,	
Mr. Curtis,	Mr. Redfield,	Mr. Willits,	
Mr. Daniels,	Mr. Richardson,	Mr. Wood,	
Mr. Hammond,	Mr. Russell,	Mr. Speaker,	80

NAYS.

Mr. Biddle,	Mr. Harding,	Mr. Renwick,	
Mr. Cook,	Mr. Hawley,	Mr. Rogers,	
Mr. Copeland,	Mr. Lamb,	Mr. Root,	
Mr. Dolsen,	Mr. Larue,	Mr. G. Spencer,	
Mr. Geddes,	Mr. Mather,	Mr. Strong,	
Mr. Gillett,	Mr. Pierce,	Mr. Walker,	18

The House refused to excuse Mr. Curtis from voting on this question.

The other amendments reported to said bill, were then concurred in by the House.

The bill being under consideration, Mr. Strong moved to amend the first section by striking out all after "that," in the second line, to "legislature," in the third line; also, in the fourth line, to strike out "three dollars," where it occurs, and insert in lieu thereof, "two dollars and fifty cents."

Mr. Metcalf moved to amend the amendment by inserting "three dollars," in lieu of "two dollars and fifty cents," which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Metcalf,	Mr. Sprague,	
Mr. Brown,	Mr. Miller,	Mr. Stockton,	
Mr. Castle,	Mr. Olin,	Mr. Tinney,	
Mr. Curtis,	Mr. Philbrick,	Mr. Willits,	
Mr. Hammond,	Mr. M. Spencer,	Mr. Wood,	15

NAYS.

Mr. Biddle,
Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Leech,
Mr. Mather,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,

Mr. Richardson,
Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. G. Spencer,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Speaker,

34

Mr. Metcalf moved to indefinitely postpone the further consideration of the bill; which motion was negatived, as follows:

YEAS.

Mr. Barlow,
Mr. Bush,
Mr. Coates,

Mr. Curtis,
Mr. Hammond,
Mr. Metcalf,

Mr. M. Spencer,
Mr. Stockton,
Mr. Wood,

9

NAYS.

Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Castle,
Mr. Clark,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,
Mr. Humphrey,

Mr. Lamb,
Mr. Larue,
Mr. Leech,
Mr. Mather,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,

Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

40

The question then recurring upon the amendment proposed by Mr. Strong,

Mr. Renwick moved to amend the same by striking out "fifty cents," where it occurs in said amendment; which prevailed, by the following vote:

YEAS.

Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Coates,

Mr. Harding,
Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,

Mr. Renwick,
Mr. Richardson,
Mr. Rogers,
Mr. Root,

Mr. Cook,	Mr. Larue,	Mr. Russell,
Mr. Copeland,	Mr. Leech,	Mr. Smith,
Mr. Dolsen,	Mr. Mather,	Mr. M. Spencer,
Mr. Geddes,	Mr. Olin,	Mr. G. Spencer,
Mr. Gillett,	Mr. Pierce,	Mr. Walker,
Mr. Hammond,	Mr. Redfield,	Mr. Wood,

NAYS.

Mr. Barlow,	Mr. Morton,	Mr. Tinney,
Mr. Castle,	Mr. Philbrick,	Mr. Tyler,
Mr. Clark,	Mr. Porter,	Mr. Wilcox,
Mr. Curtis,	Mr. Sprague,	Mr. Willits,
Mr. Daniels,	Mr. Stockton,	Mr. Speaker,
Mr. Miller,	Mr. Strong,	

The question recurring upon Mr. Strong's amendment as amended,

Mr. Bingham moved further to amend the amendment, by striking out "two dollars," and inserting "one dollar."

On motion of Mr. Porter,

A division of the question was ordered.

Mr. Coates moved to postpone the further consideration of the subject until to-morrow; which was negatived, by the following vote:

YEAS.

Mr. Humphrey,	Mr. Stockton,	2
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NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,
Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Bingham,	Mr. Lamb,	Mr. Russell,
Mr. Brown,	Mr. Larue,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Clark,	Mr. Metcalf,	Mr. Sprague,
Mr. Coates,	Mr. Miller,	Mr. Strong,
Mr. Cook,	Mr. Morton,	Mr. Tinney,
Mr. Copeland,	Mr. Olin,	Mr. Tyler,
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,
Mr. Dolsen,	Mr. Redfield,	Mr. Willits,
Mr. Geddes,	Mr. Renwick,	Mr. Wood,
Mr. Gillett,	Mr. Richardson,	Mr. Speaker,
Mr. Hammond,		

The question then being upon the motion to strike out; the same prevailed, as follows:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,
Mr. Leech,

Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

31

NAYS.

Mr. Biddle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,

Mr. Gillett,
Mr. Harding,
Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,

Mr. Pierce,
Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Wilcox,

18

The question then being upon inserting one "dollar;" it was negatived, by the following vote:

YEAS.

Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Dolsen,
Mr. Hammond,

Mr. Humphrey,
Mr. Leech,
Mr. Metcalf,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Redfield,
Mr. Richardson,

Mr. Rogers,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

28

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Miller,
Mr. Morton,
Mr. Porter,
Mr. Renwick,
Mr. Root,

Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

25

And the question still being upon filling the blank, Mr. Morton moved to fill it with "two dollars and fifty cents."

Mr. Pierce moved to fill it with "one dollar and fifty cents."

Mr. Coates moved to fill it with "fifty cents."

Mr. Tyler moved to fill it with "three dollars;" which was negatived, by the following vote:

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Curtis,
Mr. Hammond,

Mr. Metcalf,
Mr. Miller,
Mr. Olin,
Mr. Philbrick,

Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,

13

NAYS.

Mr. Biddle,
Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Leech,
Mr. Mather,
Mr. Morton,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,
Mr. Rogers,

Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

35

Mr. Metcalf moved to fill the blank with "two dollars and seventy-five cents;" which motion did not prevail.

The question then being upon the motion of Mr. Morton, to fill the blank with "two dollars and fifty cents," (it being the next highest amount,) the same was negatived, by the following vote:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,

Mr. Harding,
Mr. Hawley,
Mr. Mather,
Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Richardson,
Mr. Root,

Mr. Smith,
Mr. G. Spencer,
Mr. Strong,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

23

NAYS.

Mr. Biddle,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Gillett,

Mr. Lamb,
Mr. Larue,
Mr. Leech,
Mr. Metcalf,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,

Mr. Rogers,
Mr. Russell,
Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,

Mr. Hammond,	Mr. Redfield,	Mr. Wood,	
Mr. Humphrey,	Mr. Renwick,		26

Mr. Lamb moved to fill the blank with "two dollars."

Mr. Coates moved to adjourn; which motion was negatived.

The question recurring upon filling the blank with two dollars,

Mr. Tyler moved the indefinite postponement of the further consideration of the subject; which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Leech,	Mr. Stockton,	
Mr. Brown,	Mr. Metcalf,	Mr. Strong,	
Mr. Bush,	Mr. Miller,	Mr. Tinney,	
Mr. Castle,	Mr. Olin,	Mr. Tyler,	
Mr. Coates,	Mr. Philbrick,	Mr. Willits,	
Mr. Curtis,	Mr. M. Spencer,	Mr. Wood,	
Mr. Hammond,	Mr. Sprague,		20

NAYS.

Mr. Biddle,	Mr. Hawley,	Mr. Richardson,	
Mr. Bingham,	Mr. Humphrey,	Mr. Rogers,	
Mr. Clark,	Mr. Lamb,	Mr. Root,	
Mr. Cook,	Mr. Larue,	Mr. Russell,	
Mr. Copeland,	Mr. Mather,	Mr. Smith,	
Mr. Daniels,	Mr. Morton,	Mr. G. Spencer,	
Mr. Dolsen,	Mr. Pierce,	Mr. Walker,	
Mr. Geddes,	Mr. Porter,	Mr. Wilcox,	
Mr. Gillett,	Mr. Redfield,	Mr. Speaker,	
Mr. Harding,	Mr. Renwick,		29

Mr. Bingham moved to adjourn; which motion did not prevail.

The question recurring upon the motion of Mr. Lamb, to fill the blank with "two dollars,"

Mr. Miller moved to fill it with "two dollars and seventy-four cents."

On motion of Mr. Biddle,

The vote refusing to fill the blank with "two dollars and fifty cents," was reconsidered by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,
Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Brown,	Mr. Larue,	Mr. Russell,

Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Miller,	Mr. Strong,
Mr. Copeland,	Mr. Morton,	Mr. Walker,
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,
Mr. Dolsen,	Mr. Renwick,	Mr. Willits,
Mr. Geddes,	Mr. Richardson,	Mr. Speaker,
Mr. Gillett,		

28

NAYS.

Mr. Bingham,	Mr. Lamb,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Metcalf,	Mr. Sprague,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Porter,	Mr. Tyler,
Mr. Humphrey,	Mr. Redfield,	Mr. Wood,

21

The question then being taken upon filling the blank with "two dollars and seventy-four cents," it was negatived.

The question then recurring upon filling the blank with "two dollars and fifty cents," it was decided in the affirmative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Richardson,
Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Bingham,	Mr. Larue,	Mr. G. Spencer,
Mr. Brown,	Mr. Mather,	Mr. Strong,
Mr. Cook,	Mr. Miller,	Mr. Walker,
Mr. Copeland,	Mr. Morton,	Mr. Wilcox,
Mr. Daniels,	Mr. Piorce,	Mr. Willits,
Mr. Dolsen,	Mr. Redfield,	Mr. Speaker,
Mr. Geddes,	Mr. Renwick,	

26

NAYS.

Mr. Bush,	Mr. Lamb,	Mr. Smith,
Mr. Castle,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Metcalf,	Mr. Sprague,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Gillett,	Mr. Rogers,	Mr. Tyler,
Mr. Hammond,	Mr. Russell,	Mr. Wood,
Mr. Humphrey,		

22

The question then recurring upon Mr. Strong's amendment,

Mr. Smith offered the following amendment thereto, to be inserted after the words "per day;" "for the first thirty days of the session; one dollar per day for the thirty days next fol-

lowing, and fifty cents per day for every other day of the session."

Mr. Stockton moved to adjourn; which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Curtis,
Mr. Hammond,

Mr. Leech,
Mr. Mather,
Mr. Richardson,
Mr. Root,

Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Wood,

13

NAYS.

Mr. Biddle,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,

Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,

Mr. Rogers,
Mr. Russell,
Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

35

The question recurring upon Mr. Smith's amendment, it was rejected by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,

Mr. Larue,
Mr. Leech,
Mr. Metcalf,
Mr. Philbrick,
Mr. Redfield,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Wood,

15

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Lamb,
Mr. Mather,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Richardson,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

34

The question again recurring upon Mr. Strong's amendment, Mr. Bush moved to amend the same by inserting the following after the word "that," in the second line:

"The members of this legislature shall receive such sums as they shall think just, for their services, but in no case exceeding three dollars per day, for the first sixty days, and one dollar per day for the remainder of the session; and three dollars for every twenty miles travel going to and returning from the capitol, at the commencement and end of the session; and that the amount that each member shall receive shall be published in the state paper."

Mr. M. Spencer moved to adjourn; which motion did not prevail.

The question recurring upon Mr. Bush's amendment, the following was the vote thereon:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Humphrey,
Mr. Leech,
Mr. Metcalf,
Mr. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wood,

25

NAYS.

Mr. Biddle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

24

But before the vote was announced by the chair, Mr. Bingham moved a call of the House.

Mr. G. Spencer moved to lay the motion for a call of the House upon the table; which motion was negatived by the following vote:

YEAS.

Mr. Biddle,

Mr. Hawley,

Mr. Renwick,

Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Harding,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Strong,
Mr. Willits,
Mr. Speaker, 21

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Gillett,

Mr. Leech,
Mr. Metcalf,
Mr. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Wood, 26

Mr. Bush moved to adjourn; which motion was decided in the negative, as follows:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Curtis,
Mr. Humphrey,

Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Root,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Wood, 18

NAYS.

Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Rogers,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

29

The question recurring upon the motion for a call of the House, the same prevailed by the following vote:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Bush,

Mr. Geddes,
Mr. Gillett,
Mr. Humphrey,
Mr. Leech,
Mr. Metcalf,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,

Mr. Castle,	Mr. Miller,	Mr. Tinney,	
Mr. Clark,	Mr. Olin,	Mr. Tyler,	
Mr. Coates,	Mr. Philbrick,	Mr. Walker,	
Mr. Curtis,	Mr. Redfield,	Mr. Wood,	
Mr. Dolsen,	Mr. Richardson,		29

NAYS.

Mr. Cook,	Mr. Mather,	Mr. Root,	
Mr. Copeland,	Mr. Morton,	Mr. G. Spencer,	
Mr. Harding,	Mr. Pierce,	Mr. Strong,	
Mr. Hawley,	Mr. Porter,	Mr. Wilcox,	
Mr. Lamb,	Mr. Renwick,	Mr. Willits,	
Mr. Larue,	Mr. Rogers,	Mr. Speaker,	18

The roll being called, Mr. Hammond was absent without leave.

Mr. Bingham moved the sergeant-at-arms be directed to bring into the House Mr. Hammond.

Mr. Strong moved that the further proceedings under the call, be dispensed with.

Mr. Coates moved that the House adjourn for half an hour; which motion did not prevail.

The question then recurring upon the motion to dispense with further proceedings under the call of the House;

On motion of Mr. Bingham,

This motion was laid upon the table by the following vote:

YEAS.

Mr. Barlow,	Mr. Geddes,	Mr. Richardson,	
Mr. Bingham,	Mr. Humphrey,	Mr. Root,	
Mr. Brown,	Mr. Leech,	Mr. Russell,	
Mr. Bush,	Mr. Metcalf,	Mr. M. Spencer,	
Mr. Castle,	Mr. Olin,	Mr. Stockton,	
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,	
Mr. Coates,	Mr. Redfield,	Mr. Wood,	
Mr. Curtis,	Mr. Renwick,	Mr. Speaker,	24

NAYS.

Mr. Biddle,	Mr. Lamb,	Mr. Smith,	
Mr. Cook,	Mr. Larue,	Mr. G. Spencer,	
Mr. Copeland,	Mr. Mather,	Mr. Strong,	
Mr. Daniels,	Mr. Miller,	Mr. Tyler,	
Mr. Dolsen,	Mr. Morton,	Mr. Walker,	
Mr. Gillett,	Mr. Pierce,	Mr. Wilcox,	
Mr. Harding,	Mr. Porter,	Mr. Willits,	
Mr. Hawley,	Mr. Rogers,		23

Mr. Hammond then appeared, and as the Chair had not announced the vote on Mr. Bush's amendment to Mr. Strong's amendment, he claimed the right to vote on that question.

The Chair decided that as Mr. Hammond was not within the bar of the House, when the question was stated from the Chair, his vote could not be received without a suspension of the 18th rule of the House.

Mr. Hammond appealed from the decision of the Chair; and the question being, shall the decision of the Chair stand as the judgment of the House? the same was decided in the affirmative, as follows:

YEAS.

Mr. Biddle,	Mr. Harding,	Mr. Renwick,
Mr. Brown,	Mr. Hawley,	Mr. Rogers,
Mr. Castle,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Larue,	Mr. G. Spencer,
Mr. Copeland,	Mr. Mather,	Mr. Sprague,
Mr. Daniels,	Mr. Miller,	Mr. Strong,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Gillett,	Mr. Pierce,	Mr. Willits,

24

NAYS.

Mr. Barlow,	Mr. Humphrey,	Mr. Smith,
Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Metcalf,	Mr. Stockton,
Mr. Clark,	Mr. Olin,	Mr. Tinney,
Mr. Coates,	Mr. Philbrick,	Mr. Tyler,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Geddes,	Mr. Richardson,	Mr. Wood,
Mr. Hammond,	Mr. Russell,	

23

Mr. Bingham then moved that the 18th rule be suspended, to the end that Mr. Hammond might vote; which motion prevailed.

His name being called, Mr. Hammond then voted in the affirmative; whereupon, the Chair announced the adoption of Mr. Bush's amendment to that offered by Mr. Strong.

On motion, the House adjourned. ●

Saturday, January 23, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Marvin Allen.

The roll being called, Messrs. Clark and Richardson were absent without leave.

Mr. Coates asked and obtained leave of absence for Mr. Clark.

Mr. Walker asked and obtained leave of absence for Mr. Richardson.

PETITIONS.

By Mr. Brown. Of sundry inhabitants of western Michigan, concerning university and school lands. Referred to the committee on university and school lands.

By Mr. Castle. Of inhabitants of Genesee county, for the passage of a law for the collection of a certain tax. Referred to the committee on the judiciary.

By the same. Of county officers of Genesee county, respecting the highway tax of 1838. Referred to the committee on the judiciary.

By the Speaker. Of sundry citizens of Lenawee county, for a reduction of the price of university and school lands. Referred to the committee on university and school lands.

By Mr. Barlow. Of inhabitants of Vermontville, Eaton county, for the organization of a new township. Referred to the committee on towns and counties.

By Mr. Copeland. Of sundry inhabitants of Jackson county, praying for the passage of a law establishing a premium on silk, grown in this state. Referred to the committee on agriculture.

Mr. Harding presented the claim of C. P. Holmes & Co., for services done for the state. Referred to the committee on claims.

REPORTS.

Mr. Lamb, from the committee on agriculture, to whom was referred the Senate "bill authorizing county commissioners to reestablish a distinction between county and township poor," reported the same back to the House, with a report thereon, adverse to its passage.

The committee asked to be and were discharged from its further consideration.

On motion of Mr. Geddes,

The bill was ordered to be laid on the table.

On motion of Mr. Hammond,

The vote laying the above bill on the table, was reconsidered; and,

On his motion, the bill was then referred to the committee of the whole, and placed on the general order, and the report ordered to be laid on the table.

Mr. Harding, from the committee on the judiciary, submitted a minority report, in favor of the passage, by congress, of a bankrupt law, accompanying the following preamble and joint resolutions:

Preamble and joint resolutions relative to a bankrupt law.

Whereas, by the constitution of the United States, the power to establish uniform laws on the subject of bankruptcy, has been given to the congress thereof; *and whereas*, the commercial, manufacturing, and agricultural interests of the country, not less than the claims of justice and humanity, demand that the power shall now be exercised; *and whereas*, we believe a system of bankruptcy can be devised, which will promote the interests of the creditor, and, at the same time, relieve the unfortunate and meritorious debtor; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representative in congress, be requested to endeavor to procure, as speedily as possible, the establishment of uniform laws on the subject of bankruptcy, throughout the United States.

Resolved, That the governor of this state be requested to transmit copies of the foregoing preamble and resolution, to our senators and representative in congress.

The resolutions were laid on the table for one day, according to rule; and,

On motion of Mr. Hammond,

The report was also laid on the table.

The Chair announced a special message from the executive,

transmitting a series of resolutions from the states of Connecticut and Alabama; the former in favor of, and the latter against the passage, by congress, of laws imposing a protective tariff.

Which message and documents were read.

(*See Document, No. 24.*)

On motion of Mr. G. Spencer,

The committee of the whole was discharged from the further consideration of his joint resolutions relative to the subject of a protective tariff; and,

Mr. G. Spencer then moved, that the whole subject be referred to the committee on manufactures, and that the special message of the executive be printed.

Mr. Biddle moved to lay the whole subject on the table; which motion did not prevail.

The question then recurring upon the motion of Mr. G. Spencer, to refer to the committee on manufactures, and to print the executive message,

On motion of Mr. Coates,

A division of the question was ordered.

The question to refer, then prevailed.

The question then being upon printing the message of the executive,

Mr. Hammond moved to amend the same, so as to include the documents accompanying the same; which motion prevailed.

The Chair announced the following message from the Senate, by their secretary, Mr. Kellogg:

SENATE CHAMBER,
Saturday, January 23, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House of Representatives, “a joint resolution relative to the returns of children and others, using foreign languages.”

Also, “a joint resolution in relation to the boundary line between this state and the territory of Wisconsin;” both of which

the Senate have passed, and respectfully ask the concurrence of the House therein.

Also, in connection with the last mentioned resolution, a special message from the executive, with accompanying documents, charts, &c., which the executive transmitted to the Senate, for the use of both houses.

D. W. KELLOGG,
Secretary of the Senate.

The joint resolutions transmitted by the above message, were laid upon the table, according to rule.

Also, the following message was received from the Senate:

SENATE CHAMBER,
Saturday, January 23, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House of Representatives, “a joint resolution authorizing the governor to appoint a commissioner to ascertain the boundary line between this state and the territory of Wisconsin,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Hammond,

The rule requiring joint resolutions to be laid upon the table for one day, was suspended, and the “joint resolution, (by the above message,) authorizing the governor to appoint a commissioner to ascertain the boundary line between this state, and the territory of Wisconsin,” was then considered and adopted.

The House then took up for consideration, the “joint resolution in relation to the boundary line between this state and the territory of Wisconsin;” and the resolution was then adopted.

On motion of Mr. Walker,

Resolved, That the committee on ways and means be instructed to inquire into the aggregate cost of public printing, including paper and binding, for each of the years of 1837, 1838, (except the cost of printing the revised statutes,) 1839 and

1840, and the cause of the increased cost thereof, should there be any such increase, and report to this House, to the end that the cost thereof may be reduced.

Mr. Cook offered the following, which was adopted:

Whereas, as the growth of wool is an enterprise worthy the consideration and encouragement of the inhabitants of this state; therefore,

Resolved, That the committee on agriculture be requested to inquire into the propriety of granting a premium to all wool growers in this state, of three cents per head, to be deducted from their annual taxes.

Mr. Bingham offered the following, which, by his consent, was laid on the table:

Resolved, That the following stand as the 18th rule:

“Every question shall be stated from the Chair, immediately before it is put; and every member who shall be present when the question is so stated, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote.”

Mr. Stockton laid on the table the following joint resolution:

Resolved, That the executive, (if the Senate concur,) be authorized to appoint a messenger, or copyist, during the present session of the legislature.

Mr. Cook offered the following:

Resolved, That this House have two sessions each day, to commence at 9 o'clock on Monday morning.

On motion of Mr. Hammond,

The further consideration of this resolution was postponed until the first Monday of February next.

Mr. Bingham moved that the House take up his joint resolution relative to the adjournment; which motion was negatived by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,

Mr. Humphrey,
Mr. Lamb,
Mr. Larue,

Mr. Root,
Mr. Russell,
Mr. M. Spencer,

Mr. Curtis,
Mr. Gillett,
Mr. Hammond,

Mr. Leech,
Mr. Olin,
Mr. Redfield,

Mr. Stockton,
Mr. Tinney,
Mr. Walker, 18

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,

Mr. Harding,
Mr. Hawley,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Rogers,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

5

Mr. Harding, from the select committee relative to the seizure and detention of the baggage of the late speaker of the house of representatives, by the officers of customs, submitted a report; which report,

On motion of Mr. G. Spencer,

With the accompanying documents, were laid on the table.

The Chair announced the following message from the executive:

To the Speaker of the House of Representatives:

SIR—I have the honor to state that I have this day approved, signed and deposited in the office of the secretary of state, an act entitled “An act relative to the distribution of the primary school moneys,” which appears to have originated in the House of Representatives.

WILLIAM WOODBRIDGE.

Executive Office, January 21, 1841.

On motion of Mr. Hammond, the House adjourned until 2 o'clock, P. M.

Afternoon Session.

The House met at 2 o'clock, pursuant to adjournment.

The roll being called, Messrs. Humphrey, Philbrick and Renwick, were absent without leave.

Mr. Bush asked and obtained leave of absence for Mr. Philbrick, on account of indisposition.

Mr. Pierce for Mr. Renwick for the same reason.

The Speaker presented the claim of Robert Abbott, for ex

tra compensation as auditor general. Referred to the committee on claims.

The Chair announced as the unfinished business, the "bill to establish the pay of members and officers of the legislature, and for other purposes;" and the question being upon the adoption of Mr. Strong's amendment to the first section as amended by Mr. Bush, and some debate ensuing,

Mr. Biddle moved the indefinite postponement of the further consideration of the subject; which motion was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Redfield,
Mr. Biddle,	Mr. Hawley,	Mr. Russell,
Mr. Brown,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Metcalf,	Mr. Tinney,
Mr. Castle,	Mr. Miller,	Mr. Tyler,
Mr. Coates,	Mr. Olin,	Mr. Wood,
Mr. Curtis,		

19

NAYS.

Mr. Bingham,	Mr. Lamb,	Mr. G. Spencer,
Mr. Cook,	Mr. Larue,	Mr. Sprague,
Mr. Copeland,	Mr. Mather,	Mr. Strong,
Mr. Daniels,	Mr. Pierce,	Mr. Walker,
Mr. Dolsen,	Mr. Porter,	Mr. Wilcox,
Mr. Geddes,	Mr. Rogers,	Mr. Willits,
Mr. Gillett,	Mr. Root,	Mr. Speaker,
Mr. Harding,	Mr. Smith,	

23

The question then recurring upon Mr. Strong's amendment, it was rejected, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Smith,
Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Olin,	Mr. Tinney,
Mr. Coates,	Mr. Redfield,	Mr. Walker,
Mr. Curtis,	Mr. Russell,	Mr. Wood,

15

NAYS.

Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Cook,	Mr. Mather,	Mr. Sprague,
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,
Mr. Daniels,	Mr. Miller,	Mr. Tyler,

Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

28

The bill then being under consideration, Mr. Metcalf moved to amend the same by striking out all of the first section after the word "that," in the second line, and inserting the following in lieu thereof: "the pay of members and officers of the legislature, shall be established at two dollars and fifty cents per day, for their services, and three dollars for every twenty miles travel each way, to and from the capitol, to their respective places of residence, reckoning the distance on the most direct travelled route."

Mr. Bingham offered the following substitute for the amendment: "the pay of officers and members of the legislature shall be two dollars per day, and two dollars and fifty cents for every twenty miles travel in coming to and returning from the capitol, reckoning the distance on the most traveled route;" which substitute was rejected, by the following vote:

YEAS.

Mr. Biddle,
Mr. Bingham,
Mr. Bush,
Mr. Coates,
Mr. Geddes,
Mr. Hammond,
Mr. Lamb,

Mr. Larue,
Mr. Leech,
Mr. Olin,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Rogers,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

20

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Root,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

22

The question recurring upon Mr. Metcalf's amendment, Mr. Bush sent up to the Chair an amendment to the amendment, but before the question was stated upon this amendment by the Chair,

Mr. Wilcox moved the previous question, and the Chair de-

cided that as the question on Mr. Bush's motion had not been stated by the Speaker, the first question put, must be on Mr. Wilcox's motion.

Mr. Bush appealed from the decision of the Chair, and the question being, shall the decision of the Chair stand as the judgment of the House? it was decided in the affirmative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,	
Mr. Biddle,	Mr. Hawley,	Mr. Root,	
Mr. Brown,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. Miller,	Mr. Strong,	
Mr. Daniels,	Mr. Morton,	Mr. Tyler,	
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Willits,	24

NAYS.

Mr. Bingham,	Mr. Larue,	Mr. Smith,	
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,	
Mr. Coates,	Mr. Mather,	Mr. Tinney,	
Mr. Curtis,	Mr. Olin,	Mr. Walker,	
Mr. Gillett,	Mr. Redfield,	Mr. Wood,	
Mr. Hammond,	Mr. Russell,		17

The previous question was then demanded by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,	
Mr. Biddle,	Mr. Hawley,	Mr. Root,	
Mr. Brown,	Mr. Mather,	Mr. G. Spencer,	
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. Morton,	Mr. Wilcox,	
Mr. Daniels,	Mr. Pierce,	Mr. Willits,	
Mr. Dolsen,	Mr. Porter,	Mr. Speaker,	
Mr. Geddes,			22

NAYS.

Mr. Bingham,	Mr. Lamb,	Mr. Smith,	
Mr. Bush,	Mr. Larue,	Mr. M. Spencer,	
Mr. Castle,	Mr. Leech,	Mr. Strong,	
Mr. Coates,	Mr. Miller,	Mr. Tinney,	
Mr. Curtis,	Mr. Olin,	Mr. Tyler,	
Mr. Gillett,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. Russell,	Mr. Wood,	21

The said previous question was put, viz: shall the main question be now put? and decided in the affirmative, as follows:

YEAS.

Mr. Barlow,	Mr. Geddes,	Mr. Rogers,
Mr. Biddle,	Mr. Harding,	Mr. Root,
Mr. Bingham,	Mr. Hawley,	Mr. Russell,
Mr. Brown,	Mr. Mather,	Mr. G. Spencer,
Mr. Coates,	Mr. Metcalf,	Mr. Sprague,
Mr. Cook,	Mr. Miller,	Mr. Strong,
Mr. Copeland,	Mr. Morton,	Mr. Wilcox,
Mr. Daniels,	Mr. Pierce,	Mr. Willits,
Mr. Dolsen,	Mr. Porter,	Mr. Speaker,

27

NAYS.

Mr. Bush,	Mr. Larue,	Mr. M. Spencer,
Mr. Castle,	Mr. Leech,	Mr. Tinney,
Mr. Curtis,	Mr. Olin,	Mr. Tyler,
Mr. Gillett,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Smith,	Mr. Wood,
Mr. Lamb,		

16

Mr. Bingham moved a reconsideration of the vote just taken.

The Chair decided the motion to be out of order.

Mr. Bingham appealed from the decision of the Chair.

The Chair then decided the appeal to be out of order.

Mr. Bingham appealed from this decision.

The Chair decided that the appeal could not be entertained.

Mr. Curtis moved to adjourn; which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Hammond,	Mr. Redfield,
Mr. Bush,	Mr. Leech,	Mr. Russell,
Mr. Coates,	Mr. Olin,	Mr. Tinney,
Mr. Curtis,		

10

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Smith,
Mr. Biddle,	Mr. Lamb,	Mr. G. Spencer,
Mr. Brown,	Mr. Larue,	Mr. M. Spencer,
Mr. Castle,	Mr. Mather,	Mr. Sprague,
Mr. Cook,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Walker,
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,
Mr. Geddes,	Mr. Porter,	Mr. Willits,

Mr. Gillett,	Mr. Rogers,	Mr. Wood,	
Mr. Harding,	Mr. Root,	Mr. Speaker,	33

The main question then being upon the adoption of Mr. Metcalf's amendment, it prevailed, as follows:

YEAS.

Mr. Barlow,	Mr. Larue,	Mr. Smith,	
Mr. Biddle,	Mr. Mather,	Mr. G. Spencer,	
Mr. Bingham,	Mr. Metcalf,	Mr. Sprague,	
Mr. Brown,	Mr. Miller,	Mr. Strong,	
Mr. Cook,	Mr. Morton,	Mr. Tinney,	
Mr. Copeland,	Mr. Olin,	Mr. Tyler,	
Mr. Daniels,	Mr. Pierce,	Mr. Walker,	
Mr. Dolsen,	Mr. Porter,	Mr. Wilcox,	
Mr. Geddes,	Mr. Redfield,	Mr. Willits,	
Mr. Gillett,	Mr. Root,	Mr. Wood,	
Mr. Harding,	Mr. Russell,	Mr. Speaker,	
Mr. Hawley,			34

NAYS.

Mr. Bush,	Mr. Curtis,	Mr. Leech,	
Mr. Castle,	Mr. Hammond,	Mr. Rogers,	
Mr. Coates,	Mr. Lamb,	Mr. M. Spencer,	9

The question then being upon the adoption of the first section of the bill, as amended,

Mr. Harding moved the previous question, and it being demanded by a majority of the members present, the said previous question was then put, viz: shall the main question be now put? and the same was decided in the affirmative.

The main question then being upon the adoption of the first section of the bill, as amended, it prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Smith,	
Mr. Biddle,	Mr. Lamb,	Mr. M. Spencer,	
Mr. Bingham,	Mr. Larue,	Mr. G. Spencer,	
Mr. Brown,	Mr. Leech,	Mr. Sprague,	
Mr. Cook,	Mr. Mather,	Mr. Strong,	
Mr. Copeland,	Mr. Metcalf,	Mr. Tinney,	
Mr. Curtis,	Mr. Miller,	Mr. Tyler,	
Mr. Daniels,	Mr. Morton,	Mr. Walker,	
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Willits,	
Mr. Gillett,	Mr. Redfield,	Mr. Wood,	

Mr. Hammond,
Mr. Harding,

Mr. Root,
Mr. Russell,

Mr. Speaker,

38

NAYS.

Mr. Bush,
Mr. Castle,

Mr. Coates,
Mr. Olin,

Mr. Rogers,

5

The question then being upon ordering the bill engrossed for a third reading,

Mr. Metcalf moved the previous question, and being demanded, by the following vote:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

26

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Curtis,

Mr. Lamb,
Mr. Leech,
Mr. Olin,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wood,

15

The said previous question was then put, viz: shall the main question be now put? and the same was decided in the affirmative.

Mr. Hammond moved to adjourn; which motion did not prevail.

The main question being upon ordering said bill engrossed for a third reading, it prevailed.

Mr. Leech moved to adjourn; which motion was negatived, by the following vote:

YEAS.

Mr. Leech,

Mr. Olin,

2

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,

Mr. Harding,
Mr. Hawley,
Mr. Lamb,
Mr. Larue,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,

Mr. Bush,	Mr. Mather,	Mr. Sprague,
Mr. Castle,	Mr. Metcalf,	Mr. Strong,
Mr. Coates,	Mr. Miller,	Mr. Tinney,
Mr. Cook,	Mr. Morton,	Mr. Tyler,
Mr. Copeland,	Mr. Pierce,	Mr. Walker,
Mr. Curtis,	Mr. Porter,	Mr. Wilcox,
Mr. Daniels,	Mr. Redfield,	Mr. Willits,
Mr. Dolsen,	Mr. Rogers,	Mr. Wood,
Mr. Geddes,	Mr. Root,	Mr. Speaker,
Mr. Gillett,		

40

Mr. Hammond offered the following resolution:

Resolved, That the clerk be directed to furnish the members of the House with copy each, of the red book, containing the rules of the House, &c.

On motion of Mr. Pierce,

The resolution was amended by inserting after the word "members," the words "and officers."

Mr. Coates moved to further amend the resolution by adding the following, viz: "and that the clerk procure them where they can be had the cheapest;" which motion did not prevail.

Mr. Barlow moved to fill the blank with "two;" which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Mather,
Mr. Biddle,	Mr. Harding,	Mr. Metcalf,
Mr. Brown,	Mr. Hawley,	Mr. Walker,
Mr. Copeland,	Mr. Lamb,	Mr. Wilcox,
Mr. Daniels,		

13

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Miller,	Mr. G. Spencer,
Mr. Castle,	Mr. Morton,	Mr. Sprague,
Mr. Coates,	Mr. Olin,	Mr. Strong,
Mr. Cook,	Mr. Pierce,	Mr. Tinney,
Mr. Curtis,	Mr. Porter,	Mr. Tyler,
Mr. Dolsen,	Mr. Redfield,	Mr. Willits,
Mr. Geddes,	Mr. Richardson,	Mr. Wood,
Mr. Gillett,	Mr. Root,	Mr. Speaker,
Mr. Larue,	Mr. Russell,	

29

On motion of Mr. Pierce, the blank was then filled with "one."

The resolution, as amended, was then adopted.

The "bill to establish the pay of members and officers of the legislature, and for other purposes," having been engrossed, was read a third time, and the question being upon its passage,

Mr. Coates moved to recommit the bill, with instructions that the committee incorporate an additional section, fixing the salary of certain state officers at two dollars per day; which motion was negatived by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Coates,
Mr. Curtis,
Mr. Leech,

Mr. Olin,
Mr. Redfield,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

18

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Hammond,
Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

20

The question recurring upon the passage of the bill,

Mr. Metcalf moved the previous question; which motion was negatived by the following vote:

YEAS.

Mr. Barlow,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Harding,

Mr. Mather,
Mr. Metcalf,
Mr. Morton,
Mr. Porter,
Mr. Rogers,
Mr. Root,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

18

NAYS.

Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,

Mr. Gillett,
Mr. Hammond,
Mr. Lamb,
Mr. Larue,
Mr. Leech,

Mr. Redfield,
Mr. Russell,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,

**Mr. Coates,
Mr. Curtis,
Mr. Dolsen,
Mr. Drew,**

**Mr. Miller,
Mr. Olin,
Mr. Pierce,**

**Mr. Tyler,
Mr. Walker,
Mr. Wood,**

25

After some debate, Mr. G. Spencer renewed the motion for the previous question, and being demanded by a majority of the members present,

The said previous question was then put, viz: shall the main question be now put? and the same was decided in the affirmative.

The main question then being upon the passage of the bill, it prevailed by the following vote:

YEAS.

**Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,**

**Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Leech,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Rogers,
Mr. Root,**

**Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,**

43

NAYS.

0

The question then being upon the adoption of the title of the bill,

Mr. Hammond moved to amend the same by striking out the words, "and for other purposes;" which motion did not prevail.

The title was then adopted, and the bill passed.

On motion of Mr. Copeland, the House adjourned.

Monday, January 25, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, Mr. Cook was absent without leave.

The journal of Saturday having been read, Mr. Bush moved that the amendment offered by him, and precluded by Mr. Wilcox's motion for the previous question, be inserted in the journal; which motion did not prevail.

PETITIONS.

By Mr. Porter. Three several petitions of inhabitants of St. Clair county, for the construction of a turnpike upon the line of the Northern railroad. Referred to the committee on internal improvement.

By Mr. Hammond. Of a convention of citizens of Calhoun, Branch and St. Joseph counties, for a law authorizing a survey of a canal route from Jackson to Three Rivers, preparatory to the granting a charter for its construction. Referred to the committee on internal improvement.

By Mr. Porter. Three several petitions of inhabitants of St. Clair county, for the removal of the county site of said county to Port Huron. Referred to the committee on towns and counties.

By Mr. Curtis. Of inhabitants of Oakland county, for an alteration of the present militia law. Referred to the committee on the militia.

By the Speaker. Twenty-two petitions for the repeal of the eighth section of chapter two, title eight, part first, of the revised statutes, or such an amendment of the same as would allow physicians, practising on the botanic system, to legally recover compensation for their services. Laid on the table, a report having been made to the House on that subject.

By Mr. Sprague. A petition and remonstrance from inhabitants of Macon, Lenawee county, in reference to a division of that township. Referred to the committee on towns and counties.

Mr. Porter presented several remonstrances against the re-

moval of the seat of justice for the county of St. Clair. Referred to the committee on towns and counties.

Mr. Dolsen presented a communication from R. Gillett, treasurer of Wayne county, on the subject of the collection of "specific state taxes." Referred to the committee on ways and means.

REPORTS.

Mr. Leech, from the committee on banks and incorporations, to which was referred the annual "report of the St. Clair and Romeo railroad company," reported the same back to the House; and that in the opinion of the committee, the said report conforms to the requirements of the charter, and recommended that its report be printed, with the documents. The committee asked to be, and were discharged from its further consideration, and the report was ordered to be printed, with the documents.

(See Document, No. 25.)

Mr. Barlow, from the same committee, reported "a bill to authorize the building a certain dam therein named;" which was twice read and referred to the committee of the whole, and placed upon the general order.

Mr. Pierce, from the committee on printing, to which was referred the "bill to reduce the price for public printing, and for other purposes," reported the same back to the House, with amendments and a report thereon.

The bill was referred to the committee of the whole, and placed on the general order; and on motion of Mr. Olin, the report was laid on the table.

Mr. Smith, from the committee on the militia, reported "a bill to amend an act entitled 'An act to organize the militia,' approved April 23, 1833," which was twice read and referred to the committee of the whole, and placed on the general order.

The Chair announced the following message from the executive:

To the Speaker of the House of Representatives:

SIR—I was advised by letter received Saturday afternoon,

from the honorable Augustus S. Porter, senator in congress, from this state, that the senate of the United States will be convened at the senate chamber, in the city of Washington, on Thursday, the 4th of March next.

Thinking that information of this fact may be of interest to the House of Representatives, I herewith inclose a copy of that letter for the use of the House.

And have the honor to remain,

Very, respectfully, your obedient servant,

WILLIAM WOODBRIDGE.

Executive Office, January 25, 1841.

Which message, with the accompanying document, was, On motion of Mr. G. Spencer, referred to the committee on the judiciary.

The Chair announced a communication from the secretary of state, relative to the state library; which, with the accompanying document, on motion, was referred to the committee on claims.

The Chair announced the following communication from the secretary of the Senate:

SENATE CHAMBER,
Monday, January 25, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit to the House of Representatives, “a bill to amend an act entitled ‘An act to provide for the disposition of prisoners apprehended within the county of Macomb,’ approved February 4, 1840,” which the Senate have passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

Which bill was twice read; and,

On motion of Mr. Hammond,

Was referred to the committee of the whole, and placed on the general order.

RESOLUTIONS AND NOTICES.

On motion of Mr. Castle,

Resolved, That the committee on the judiciary be directed to inquire whether any alteration in the law, part one, title two, chapter six of the revised statutes, concerning the time of district canvassing, is, or may be necessary.

On motion of Mr. G. Spencer,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of amending the existing laws, relative to the recording, or registering of conveyances, or other instruments in writing, executed out of this state, and within the United States, with instructions to report by bill or otherwise.

Mr. Hammond offered the following:

Resolved, That the following words be added to rule 20, to wit: "and that an appeal from any decision of the Chair shall always be in order, if taken immediately after the decision is made."

Mr. Geddes moved to amend the same by adding the words following: "excepting in cases where the previous question is called."

The resolution was then laid on the table, by the consent of the mover.

Mr. G. Spencer gave notice, that he should, on some future day, ask leave to introduce "a bill authorizing mortgagees to redeem real estate sold for taxes and assessments."

The Chair announced the annual report of the superintendent of public instruction.

(*See Joint Document, No. 9.*)

On motion of Mr. Biddle,

So much of said report as refers to the university and school lands, was referred to the committee on university and school lands; and so much as refers to the subject of education, to the committee on education.

Mr. Smith, pursuant to previous notice, obtained leave to introduce "a bill to amend an act entitled 'An act to alter the route of the Havre branch railroad, and for other purposes;'" which was twice read, and,

On his motion, referred to the committee on internal improvement.

Mr. Harding, pursuant to previous notice, obtained leave to introduce "a bill relative to the administration of oaths to members and officers of the legislature;" which was twice read, and referred to the committee on the judiciary.

Mr. Bingham, pursuant to previous notice, obtained leave to introduce "a bill to authorize the building of a certain dam therein named;" which bill was twice read, and referred to the committee on roads and bridges.

On motion of Mr. Brown,

The House took up for consideration, the reports of the committee on elections, relative to the Wayne county election; and the question being upon discharging the committee from the further consideration of the subject,

Mr. Curtis offered the following resolution:

Resolved, That the subject relative to the Wayne county election, be recommitted to the committee on elections, with instructions to examine the voters of the township of Hamtramck, relative to their votes, and also, as to the destruction of the ballot-box of said township.

Mr. Hammond offered the following substitute for the resolution, which was accepted by Mr. Curtis:

Resolved, That the report of the committee on elections, in the case of the Wayne county election, be recommitted to said committee, with instructions to issue subpoenas for the several voters of Hamtramck, as appears by the poll list taken at the last annual election, and to examine such of them as are within reach of process, as to the persons for whom they voted for the office of representatives, for the county of Wayne.

Pending the consideration of which substitute,

On motion of Mr. Coates, the House adjourned, until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Mr. Larue was absent without leave.

The question before the House being upon the substitute

accepted by Mr. Curtis, for his resolution recommitting the subject of the Wayne county election, to the committee on elections, with instructions, the same was rejected by the following vote:

YEAS.

Mr. Bingham,	Mr. Hammond,	Mr. Smith,	
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,	
Mr. Clark,	Mr. Olin,	Mr. Stockton,	
Mr. Coates,	Mr. Redfield,	Mr. Tinney,	
Mr. Curtis,	Mr. Russell,	Mr. Walker,	15

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Brown,	Mr. Metcalf,	Mr. Sprague,	
Mr. Castle,	Mr. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. Pierce,	Mr. Tyler,	
Mr. Daniels,	Mr. Porter,	Mr. Wilcox,	
Mr. Drew,	Mr. Renwick,	Mr. Willits,	
Mr. Geddes,	Mr. Rogers,	Mr. Speaker,	
Mr. Hawley,			22

The question recurring upon discharging the committee from the further consideration of the subject of the Wayne county election, the same prevailed.

The question then being upon the adoption of the following resolution, reported by the majority of said committee, viz:

Resolved, That John Biddle, Roswell Root, Eurotas Morton, Alonzo T. Mather, Levi E. Dolson, Fisher A. Harding and Shadrach Gillett, having received the greatest number of votes in the county of Wayne, for the office of representatives to the state legislature, were duly elected, and are entitled to their seats in this House.

Mr. Coates offered the following resolution, (reported by the minority of said committee,) as a substitute, viz:

Resolved, That it appearing to the satisfaction of this House, from the evidence adduced before them, that Samuel Phillips, Lemuel Goodell, Ammon Brown, George W. Ferrington, John Scott and Daniel Goodell, have received the highest number of votes for representatives from Wayne county, they are hereby entitled to seats as members of this House.

Which substitute was rejected by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Leech,
Mr. Olin,
Mr. Redfield,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,

18

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Clark,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,

Mr. Hawley,
Mr. Lamb,
Mr. Metcalf,
Mr. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,

Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

25

The House refused to excuse Mr. Bingham from voting on this question:

The question recurring upon the resolution reported by the majority of the committee on elections,

Mr. Hammond offered the following as a substitute:

Resolved, That the question upon the contested election from the county of Wayne be referred back to the people, and that the governor be requested to order a new election.

Mr. Clark moved to adjourn; which motion did not prevail.

After some debate, Mr. Metcalf moved again to adjourn; which motion was negatived.

The question recurring, after further debate, upon Mr. Hammond's substitute,

Mr. ——— moved to adjourn; which motion was negatived.

The question again recurring upon Mr. Hammond's substitute, and the yeas and nays having been demanded,

A point of order was raised, whether the interest of the members from Wayne county was not of such a nature as to preclude them from voting on this question?

Which question the Chair decided in the affirmative.

Mr. Curtis appealed from the decision of the Chair.

And the question being, shall the decision of the Chair stand as the judgment of the House? it was decided in the affirmative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Rogers,
Mr. Bingham,	Mr. Hawley,	Mr. M. Spencer,
Mr. Brown,	Mr. Humphrey,	Mr. G. Spencer,
Mr. Castle,	Mr. Lamb,	Mr. Sprague,
Mr. Clark,	Mr. Leech,	Mr. Strong,
Mr. Coates,	Mr. Metcalf,	Mr. Tinney,
Mr. Cook,	Mr. Miller,	Mr. Tyler,
Mr. Copeland,	Mr. Olin,	Mr. Walker,
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,
Mr. Drew,	Mr. Porter,	Mr. Willits,
Mr. Geddes,	Mr. Renwick,	Mr. Wood,

33

NAYS.

Mr. Bush,	Mr. Russell,	Mr. Stockton,
Mr. Curtis,	Mr. Smith,	

5

The question then being taken on Mr. Hammond's substitute, it was rejected, by the following vote:

YEAS.

Mr. Bingham,	Mr. Humphrey,	Mr. M. Spencer,
Mr. Bush,	Mr. Leech,	Mr. Stockton,
Mr. Clark,	Mr. Olin,	Mr. Tinney,
Mr. Coates,	Mr. Redfield,	Mr. Walker,
Mr. Curtis,	Mr. Russell,	Mr. Wood,
Mr. Hammond,	Mr. Smith,	

17

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. G. Spencer,
Mr. Brown,	Mr. Metcalf,	Mr. Sprague,
Mr. Castle,	Mr. Miller,	Mr. Strong,
Mr. Cook,	Mr. Pierce,	Mr. Tyler,
Mr. Copeland,	Mr. Porter,	Mr. Wilcox,
Mr. Daniels,	Mr. Renwick,	Mr. Willits,
Mr. Geddes,	Mr. Rogers,	Mr. Speaker,
Mr. Hawley,		

22

The question then recurring upon the resolution reported by the majority of the committee on elections,

Mr. Leech moved to amend the same by striking out the names following, viz: Roswell Root, Eurotus Morton, Alonzo T. Mather, Levi E. Dolsen, Shadrach Gillett, and inserting in lieu thereof, the following: Lemuel Goodell, Ammon Brown, George W. Ferrington, John Scott, Samuel Phillips.

Mr. Stockton moved to lay the amendment on the table; which motion did not prevail.

The question recurring upon Mr. Leech's amendment,

On motion of Mr. Stockton,

A division of the question was ordered.

And the question being upon striking out, it was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Humphrey,	Mr. M. Spencer,	
Mr. Bush,	Mr. Leech,	Mr. Stockton,	
Mr. Clark,	Mr. Olin,	Mr. Tinney,	
Mr. Coates,	Mr. Redfield,	Mr. Walker,	
Mr. Curtis,	Mr. Russell,	Mr. Wood,	
Mr. Hammond,	Mr. Smith,		17

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. G. Spencer,	
Mr. Brown,	Mr. Lamb,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Drew,	Mr. Renwick,	Mr. Speaker,	
Mr. Geddes,	Mr. Rogers,		23

Mr. Coates moved to adjourn; which motion did not prevail.

The question recurring upon the adoption of the resolution,

Mr. Bingham moved to amend the same by striking out "the county of Wayne," and inserting the following in lieu thereof: "all the towns of the county of Wayne, except Hamtramck;" which was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Humphrey,	Mr. M. Spencer,	
Mr. Bush,	Mr. Leech,	Mr. Stockton,	
Mr. Clark,	Mr. Olin,	Mr. Tinney,	
Mr. Coates,	Mr. Redfield,	Mr. Walker,	
Mr. Curtis,	Mr. Russell,	Mr. Wood,	
Mr. Hammond,	Mr. Smith,		17

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. G. Spencer,	
Mr. Brown,	Mr. Lamb,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Pierce,	Mr. Wilcox,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Drew,	Mr. Renwick,	Mr. Speaker,	
Mr. Geddes,	Mr. Rogers,		23

The question recurring upon the resolution, Mr. Smith then offered the following, as a substitute:

Resolved, That three commissioners be appointed by the Speaker of this House, to take the deposition of the electors of the town of Hamtramck, as ascertained by the poll list of that town, at the election of November last; which commissioners shall be duly sworn, and after giving notice to John Biddle, and his associates, and to Samuel Phillips, and his associates, shall proceed to ascertain by affidavit of said electors, their respective votes for representative in the state legislature, at the election on the second and third days of November, 1840; and after ascertaining, so far as practicable, for whom said votes were cast, to report the same to the House, on or before the fifth day of February next.

Which substitute was rejected, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Humphrey,
Mr. Lecch,
Mr. Olin,
Mr. Redfield,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

16

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,

Mr. Hawley,
Mr. Lamb,
Mr. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,
Mr. G. Spencer,

Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

23

Mr. Smith moved to adjourn; which motion was negatived.

The resolution being yet under consideration, and Mr. Roberts, (one of the claimants for a seat from the county of Wayne,) being in the occupation of the floor, was called to order.

And the Chair decided him to be out of order.

Mr. Walker appealed from the decision of the Chair.

And the question being, shall the decision of the Chair stand as the judgment of the House? the same was decided in the affirmative.

The question again recurring upon the resolution reported by the majority of the committee on elections, the same was then adopted.

On motion of Mr. G. Spencer, the House adjourned.

Tuesday, January 26, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Marvin Allen.

The roll being called, Messrs. Cook and Drew were absent without leave.

PETITIONS.

By Mr. Curtis. Of inhabitants of Oakland county, for the legalization of a certain road tax, in the town of Rose. Referred to the committee on roads and bridges.

Mr. Brown presented the memorial of F. W. Curtenius and others, directors of the Kalamazoo mutual insurance company, asking for alterations in the charter of said company. Referred to the committee on banks and incorporations.

Mr. Hawley presented the claim of Mather Fallahue, upon B. Porter, as acting commissioner of the state prison. Referred to the committee on claims.

RESOLUTIONS AND NOTICES.

Mr. Smith offered the following resolution, which was laid on the table by his consent:

Resolved, That the committee on banks and incorporations, to which was referred the resolution of this House, relative to the Michigan insurance company, further inquire,

First. Whether the said company have used their charter for the purposes for which it was granted, or have entirely perverted the use to illegitimate ends?

Second. Whether the said company have engaged in banking, by receiving money on deposit, discounting or collecting notes, and dealing in exchange?

Third. Whether the said institution has been guilty of usury?

Fourth. Whether the said company or institution, has done its business in gold and silver, or in depreciated paper money?

Fifth. Whether the certificates of deposit issued by said institution, were for deposits actually made, by the persons in whose favor said certificates were issued, or whether said certificates were issued for the purpose of circulation as money?

Sixth. Whether the said institution has answered the purposes of its charter?

On motion of Mr. Strong,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the office of township assessors, and establishing in place thereof, three county assessors, to the end that there may be greater equality in the assessments, and less expense in making the same; and that the committee be requested to report by bill or otherwise.

Resolved, That a select committee be appointed to inquire into the expediency of diminishing the number of officers of the township board, and especially of the board of elections; and also the propriety of giving said board of elections, for their services, an abatement of one day's service, to the end that our county taxes may be diminished; and that said committee be requested to report by bill or otherwise.

Mr. Coates offered the following:

Resolved, That the commissioners appointed by the last session, to settle with the Michigan state bank, upon such terms as to them seemed equitable, to be requested to report without unnecessary delay, the result of their doings in the matter.

On motion of Mr. Renwick, the resolution was laid on the table.

Mr. Pierce gave notice that he should, at some future day, ask leave to bring in a bill authorizing the secretary of state to effect insurance upon the capitol and library of this state.

Mr. Bush gave notice that he should, at some future day, ask leave to introduce a bill to amend an act relative to highway taxes.

Mr. Walker moved that the vote taken yesterday, on admitting the members from Wayne county, permanently to their seats in this House, be reconsidered.

Mr. Hawley moved to lay the motion to reconsider, on the table; which motion prevailed by the following vote:

YEAS.

Mr. Barlow,	Mr. Larue,	Mr. Sprague,	
Mr. Brown,	Mr. Metcalf,	Mr. Stockton,	
Mr. Coates,	Mr. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. Pierce,	Mr. Tyler,	
Mr. Daniels,	Mr. Porter,	Mr. Wilcox,	
Mr. Geddes,	Mr. Renwick,	Mr. Willits,	
Mr. Hawley,	Mr. Rogers,	Mr. Speaker,	
Mr. Lamb,	Mr. G. Spencer,		23

NAYS.

Mr. Bingham,	Mr. Hammond,	Mr. Smith,	
Mr. Bush,	Mr. Humphrey,	Mr. M. Spencer,	
Mr. Castle,	Mr. Olin,	Mr. Tinney,	
Mr. Clark,	Mr. Redfield,	Mr. Walker,	
Mr. Curtis,	Mr. Russell,	Mr. Wood,	15

Mr. Coates moved a reconsideration of the vote just taken.

Mr. Metcalf moved to lay Mr. Coates' motion to reconsider, on the table; which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. G. Spencer,	
Mr. Brown,	Mr. Larue,	Mr. Sprague,	
Mr. Bush,	Mr. Metcalf,	Mr. Strong,	
Mr. Castle,	Mr. Miller,	Mr. Tyler,	
Mr. Coates,	Mr. Pierce,	Mr. Wilcox,	
Mr. Copeland,	Mr. Porter,	Mr. Willits,	
Mr. Daniels,	Mr. Renwick,	Mr. Speaker,	
Mr. Geddes,	Mr. Rogers,		23

NAYS.

Mr. Bingham,	Mr. Olin,	Mr. Stockton,	
Mr. Clark,	Mr. Redfield,	Mr. Tinney,	
Mr. Curtis,	Mr. Russell,	Mr. Walker,	
Mr. Hammond,	Mr. Smith,	Mr. Wood,	
Mr. Humphrey,	Mr. M. Spencer,		14

Mr. Coates moved to reconsider the last vote taken.

Which motion, the Chair decided to be out of order.

Mr. Hammond offered the following resolution:

Resolved, That any member of this House, have leave to record his vote on the resolution which last night passed this House, to admit John Biddle and his associates, as members of this House.

Mr. G. Spencer moved that the further consideration of the subject of this resolution, be indefinitely postponed; which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. Rogers,
Mr. Brown,	Mr. Larue,	Mr. G. Spencer,
Mr. Castle,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. Miller,	Mr. Strong,
Mr. Daniels,	Mr. Pierce,	Mr. Tyler,
Mr. Geddes,	Mr. Porter,	Mr. Willits,
Mr. Hawley,	Mr. Renwick,	Mr. Speaker,

21

NAYS.

Mr. Bingham,	Mr. Humphrey,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Redfield,	Mr. Tinney,
Mr. Curtis,	Mr. Russell,	Mr. Walker,
Mr. Hammond,		

16

Mr. G. Spencer, pursuant to previous notice, asked and obtained leave to introduce "a bill authorizing mortgagees to redeem real estate sold for taxes and assessments;" which was twice read, and referred to the committee on the judiciary.

On motion of Mr. Stockton,

The House took up his joint resolution, laid by him on the table on the twenty-third instant, authorizing the executive to appoint a messenger.

Mr. Smith offered the following as a substitute.

Resolved, That the two houses of this legislature, (the Senate concurring,) will officially recognize, as the private secretary of his excellency the governor, any person whom his excellency may officially announce as employed by him, without expense to the people of this state.

Which substitute was rejected, by the following vote:

YEAS.

Mr. Bingham,	Mr. Hammond,	Mr. M. Spencer,
Mr. Bush,	Mr. Leech,	Mr. G. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Tinney,
Mr. Coates,	Mr. Russell,	Mr. Walker,
Mr. Curtis,	Mr. Smith,	

14

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,
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Mr. Biddle,	Mr. Lamb,	Mr. Root,
Mr. Brown,	Mr. Larue,	Mr. Sprague,
Mr. Castle,	Mr. Mather,	Mr. Stockton,
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,
Mr. Daniels,	Mr. Miller,	Mr. Tyler,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Speaker,
Mr. Harding,	Mr. Renwick,	29

The question recurring upon the adoption of the resolution it was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Porter,
Mr. Brown,	Mr. Larue,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. Stockton,
Mr. Copeland,	Mr. Metcalf,	Mr. Tyler,
Mr. Daniels,	Mr. Miller,	Mr. Wilcox,
Mr. Gillett,	Mr. Morton,	Mr. Willits,
Mr. Harding,	Mr. Pierce,	Mr. Speaker,
		21

NAYS.

Mr. Biddle,	Mr. Hammond,	Mr. Smith,
Mr. Bingham,	Mr. Lamb,	Mr. M. Spencer,
Mr. Bush,	Mr. Leech,	Mr. G. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Sprague,
Mr. Coates,	Mr. Renwick,	Mr. Strong,
Mr. Curtis,	Mr. Rogers,	Mr. Tinney,
Mr. Dolsen,	Mr. Russell,	Mr. Walker,
Mr. Geddes,		22

Mr. Hammond moved a reconsideration of the vote just taken; and, on his motion, the motion to reconsider was then laid on the table.

On motion of Mr. Strong,

Resolved, That the committee on elections be instructed to inquire into the expediency of further providing by some penal enactment for the greater security of the ballot box, and for the true expression of the people in the elective franchise, and that they be requested to report by bill or otherwise.

On motion of Mr. G. Spencer,

The committee of the whole were discharged from the further consideration of the "bill amendatory to 'An act to provide for the disposition of prisoners apprehended within the

county of Macomb;'" and the same was taken up for consideration.

On motion of Mr. G. Spencer,

The rule requiring bills to be read the second and third times on different days, was suspended.

On motion of Mr. G. Spencer.

The said bill was then read a third time and passed.

Mr. Renwick moved to discharge the committee of the whole from the further consideration of House bill number three; pending which,

On motion of Mr. Coates, the House adjourned.

Wednesday, January 27, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. John I. Fulton.

The roll being called, the members were all present, except those absent on leave.

The Chair announced Messrs. Strong, Pierce and Olin, as the select committee in pursuance of the resolution of yesterday, relative to the abolishment of offices, &c.

PETITIONS.

By Mr. Porter. Of Daniel B. Herrington, for pay for labor, &c., done on the Northern railroad. Referred to the committee on claims.

By the same. Of sundry inhabitants of St. Clair county, praying that the county seat of said county may be removed to Port Huron. Referred to the committee on towns and counties.

By the same. Of inhabitants of St. Clair county, that a turnpike be constructed on the line of the Northern railroad. Referred to the committee on internal improvement.

By Mr. Castle. Of William Utley and others, for the erection of a dam across the Looking Glass river, at Dewitt, Clinton county. Referred to the committee on banks and incorporations.

By Mr. Richardson. Of citizens of Oakland county, for an alteration in the judiciary system. Referred to the committee on the judiciary.

REPORTS.

Mr. Metcalf, from the committee on internal improvement, to which was referred the "bill to amend an act entitled 'An act to alter the route of the Havre branch railroad, and for other purposes,'" reported the same back to the House without amendment.

Which was referred to the committee of the whole and placed on the general order.

Mr. Larue, from the committee on claims, to which was referred the claims of Denton & Hovey, and E. P. Drake, for publishing certain newspaper notices, reported adverse to the allowance of the same, for the reason that said claims are not substantiated by any evidence before the committee.

The committee asked to be, and were discharged from the further consideration of the subject.

Mr. G. Spencer, from the committee on the judiciary, to which was referred certain correspondence relative to the convening of the United States senate on the 4th of March next, reported the following resolution:

Resolved, That in pursuance of the provisions of the constitution of the United States, requiring the election of senators to the congress of the United States, by the legislatures of the several states, and in pursuance of the constitution and laws of this state, on this subject, this House will, on the first Tuesday of February next, proceed to openly nominate one person for the office of senator, to fill the vacancy which will exist in the representation of this state, in the senate of the United States, on the fourth day of March next, by the expiration of the term of service of the honorable John Norvell, on the third day of March next, and shall continue from day to day, until the House shall make said nomination.

Which resolution was adopted.

Mr. Barlow, from the committee on banks and incorporations, reported the following "bill to authorize the building

of a certain dam therein named;" which bill was twice read and referred to the committee of the whole, and placed on the general order.

Mr. Lamb, from the committee on agriculture, to which was referred the "bill to amend an act entitled 'An act for the destruction of wolves,'" reported the same back to the House without amendment; and the same was referred to the committee of the whole, and placed on the general order.

Mr. Harding, from the committee on the judiciary, to which was referred the "bill relative to the administration of oaths to members and officers of the legislature," reported the same back to the House without amendment; and the same was then referred to the committee of the whole, and placed on the general order.

Mr. Wilcox, from the committee on manufactures, to which was referred the documents relative to the state salt springs, submitted a report thereon, accompanied by the following joint resolutions:

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be directed to accept and sign the contracts which have been made, relative to the improvement of the state salt springs, provided the sureties upon the same shall appear sufficient.

Resolved, That the auditor general be directed to issue warrants to the state geologist, for an amount sufficient to cover the expenses that have been involved, during the past year, in preserving from injury the machinery and other property at the state salt springs; and, also, for such debts as may have been contracted in letting the contracts, &c.; the same to be drawn from the amount already appropriated to the improvement of the state salt springs.

Which resolutions were laid on the table, according to rule.

(See Document, No. 27.)

Mr. Wilcox, from the same committee, to which was referred the petition of sundry inhabitants of the county of Washtenaw, praying for the incorporation of a company for the purpose of manufacturing salt, reported "a bill to incorporate the

Saline manufacturing company, of the county of Washtenaw;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Pierce, pursuant to previous notice, asked and obtained leave to introduce "a bill for the protection of the capitol and library;" which bill was twice read and referred to the committee on the judiciary.

On motion of Mr. Biddle,

The House took up the motion laid upon the table yesterday, to reconsider the vote refusing to adopt the joint resolution authorizing the governor to appoint a private secretary; and,

The question being upon the reconsideration of said vote, it was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Root,	
Mr. Biddle,	Mr. Harding,	Mr. Sprague,	
Mr. Brown,	Mr. Hawley,	Mr. Stockton,	
Mr. Clark,	Mr. Larue,	Mr. Tyler,	
Mr. Cook,	Mr. Mather,	Mr. Wilcox,	
Mr. Copeland,	Mr. Metcalf,	Mr. Willits,	
Mr. Daniels,	Mr. Miller,	Mr. Speaker,	
Mr. Dolsen,	Mr. Porter,		23

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,	
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,	
Mr. Coates,	Mr. Pierce,	Mr. G. Spencer,	
Mr. Curtis,	Mr. Redfield,	Mr. Strong,	
Mr. Geddes,	Mr. Renwick,	Mr. Tinney,	
Mr. Hammond,	Mr. Richardson,	Mr. Walker,	
Mr. Humphrey,	Mr. Rogers,	Mr. Wood,	
Mr. Lee,	Mr. Russell,		23

RESOLUTIONS AND NOTICES.

On motion of Mr. Daniels,

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be, and they are hereby authorized and directed to furnish, for the use of the state geological department, in constructing the maps of the state, and several counties therein, the necessary data for laying down, annually, the routes of the several pub-

lic works of the state, in progress of construction, and on which there are acting engineers; and also, for exhibiting accurate profiles of said works: *Provided*, That if any new surveys should be necessary, the additional expense incurred thereby, shall not exceed twenty-five dollars.

Resolved, That the clerk of the House of Representatives be directed to transmit a copy of the foregoing resolution to the president of the board of internal improvement.

On motion of Mr. Walker,

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of providing by law, for effectually securing the proper disposition of the moneys that may come into the possession of overseers of highways and commissioners of highways, and for a more rigid accountability of those officers.

Mr. Bush gave notice that he should, at some future day, ask leave to introduce a bill to amend part first, title fifth, chapter fifth of the revised statutes, relative to the return of taxes.

The Chair announced a communication from the board of internal improvement, in reply to a resolution adopted on the 20th instant, requiring information respecting allegations of fraud upon the state, said to have been committed by agents upon the public works.

Mr. Coates moved that the communication be laid on the table.

Mr. Metcalf moved to amend the motion, by adding "and printed."

On motion of Mr. Coates, a division of the question was ordered.

The question being taken upon printing the communication, it was negatived. The question to lay on the table, prevailed.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, January 27, 1841. }

To the Speaker of the House of Representatives:

Sir—In compliance with the direction of the Senate, I here-

with transmit to you "a bill to amend chapter two, title three, part three of the revised statutes, entitled 'of the action of ejectment,'" and am instructed to inform you, respectfully, that the Senate have passed the bill, and request the concurrence of the House of Representatives in the same.

D. W. KELLOGG,
Secretary of the Senate.

And the "bill to amend chapter two, title three, part three of the revised statutes, entitled 'of the action of ejectment,'" was twice read, and referred to the committee of the whole.

On motion of Mr. G. Spencer,

The committee of the whole was discharged from the further consideration of the Senate "bill to authorize the presiding judge of the circuit court of Wayne county, to sign a certain record." The bill was then read a third time and passed.

Mr. Smith moved that the House go into committee of the whole, on the "bill authorizing county commissioners to reestablish a distinction between county and township poor;" which motion did not prevail.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of said bill; and,

On motion of Mr. Smith, said bill was then laid on the table.

On motion of Mr. Barlow, the House adjourned.

Thursday, January 28, 1841.

The House met pursuant to adjournment.

The roll being called, Messrs. Dolsen and Strong were absent without leave.

Mr. Harding asked and obtained leave of absence for Mr. Dolsen, on account of indisposition.

Mr. Wilcox, for Mr. Strong, for the same reason.

PETITIONS.

By Mr. Metcalf. Of inhabitants of Bucks, St. Joseph county, for the passage of a law designating a place for the town-

ship meetings of that town. Referred to the committee on towns and counties.

By Mr. Stockton. Of inhabitants of Warren, in the county of Macomb, for the annexing a portion of that township to the township of Orange. Referred to the committee on towns and counties.

By Mr. Brown. Of 273 inhabitants of western Michigan, for relief to purchasers of university and school lands. Referred to the committee on university and school lands.

By Mr. Daniels. Of 135 inhabitants of Adrian, Lenawee county, settlers on university and school lands, for relief. Referred to the committee on university and school lands.

By Mr. Porter. Of inhabitants of St. Clair county, for the removal of the county seat of said county, to Port Huron. Referred to the committee on towns and counties.

By Mr. Root. Of Emily Simmons, praying for a divorce from her husband, Benjamin Simmons. Referred to the committee on the judiciary.

Mr. Sprague presented a petition from the stockholders of the Jacksonburg and Palmyra railroad company, for relief, accompanying the annual report of said company.

The petition having been read,

On motion of Mr. Wilcox,

The petition and accompanying documents were laid on the table and ordered printed.

(See Document, No. 26.)

REPORTS.

Mr. Renwick, from the committee on ways and means, reported "a bill to provide for the transfer of twenty thousand dollars from the delinquent tax fund, and to provide for the payment, in part, of the members and officers of the present legislature;" which bill was twice read and ordered to be engrossed for a third reading.

On motion of Mr. Bingham,

The rule requiring bills to be read the second and third times on different days, was suspended.

On motion of Mr. Bingham,

The said bill was then read a third time and passed.

Mr. Olin, from the committee on printing, to which was referred the "bill to reduce the price of public printing, and for other purposes," reported a substitute therefor, entitled "a bill to authorize the secretary of state to contract for public printing, and for other purposes;" together with a minority report on the subject of the price of public printing. The bill was referred to the committee of the whole and placed on the general order; and,

On motion of Mr. Olin,

The report was laid on the table, and that, together with the report of the majority of said committee, were both ordered to be printed.

(See Document, No. 28.)

Mr. Larue, from the committee on claims, to which was referred the several claims of Jas. A. Van Dyke, Daniel Munger, Wm. E. Perry and Peter B. Johnson, submitted a report thereon, favorable to their allowance.

The committee, upon request, was discharged from their further consideration; and the report was ordered to be laid on the table.

Mr. Renwick, from the committee on ways and means, to which was referred a resolution on the subject of printing, reported the same back to the House, and asked to be discharged from its further consideration, and that the same be referred to the committee on printing. The committee was accordingly discharged, and the resolution referred to the committee on printing.

Mr. Bush, pursuant to previous notice, asked and obtained leave to introduce "a bill amendatory to 'An act relative to highway taxes,'" approved March 20, 1840; which bill was twice read and referred to the committee on roads and bridges.

Mr. Walker, pursuant to previous notice, asked and obtained leave to introduce "a bill to amend 'An act for the relief of Ottawa county, and for other purposes;'" which bill was twice read and referred to the committee on the judiciary.

Mr. G. Spencer, pursuant to previous notice, asked and obtained leave to introduce "a bill to amend 'An act to incorpo-

rate the village of Ypsilanti,' and the acts amendatory thereof;" which bill was twice read, and referred to the committee on the judiciary.

On motion of Mr. Metcalf,

The House took up from the table, the motion made by Mr. Walker, on the 26th instant, to reconsider the vote of the House on the 25th instant, admitting John Biddle and his associates, to permanent seats as members from the county of Wayne; and the several motions of Mr. Metcalf, Mr. Coates, and Mr. Hawley, following Mr. Walker's said motion, having been withdrawn, the question recurred upon reconsidering said vote, and the yeas and nays having been ordered, and the names of the members having been called, except those from the county of Wayne,

Mr. Bush moved that the members from Wayne be required to vote.

The Chair decided that their interest in this question, was of such a nature, as to preclude them from voting on the same.

Mr. Bingham appealed from the decision of the Chair; and the question being "shall the decision of the Chair stand as the judgment of the House?" the same was decided in the affirmative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. G. Spencer,
Mr. Castle,	Mr. Larue,	Mr. Sprague,
Mr. Coates,	Mr. Metcalf,	Mr. Tinney,
Mr. Cook,	Mr. Miller,	Mr. Tyler,
Mr. Copeland,	Mr. Olin,	Mr. Walker,
Mr. Curtis,	Mr. Pierce,	Mr. Wilcox,
Mr. Daniels,	Mr. Porter,	Mr. Willits,
Mr. Geddes,	Mr. Renwick,	Mr. Wood,
Mr. Hammond,	Mr. Richardson,	

29

NAYS.

Mr. Bush,	Mr. Lee,	Mr. Redfield,
Mr. Clark,	Mr. Leech,	Mr. Russell,
Mr. Humphrey,		

7

The vote on Mr. Walker's motion to reconsider, was as follows:

YEAS.

Mr. Bingham,	Mr. Humphrey,	Mr. Smith,	
Mr. Bush,	Mr. Lee,	Mr. M. Spencer,	
Mr. Clark,	Mr. Leech,	Mr. Stockton,	
Mr. Coates,	Mr. Olin,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. Russell,	Mr. Wood,	18

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. Rogers,	
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,	
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. Miller,	Mr. Tyler,	
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Willits,	
Mr. Hawley,	Mr. Renwick,	Mr. Speaker,	21

Mr. Walker presented the following protest:

The undersigned, members of the House of Representatives, dissent from and protest against the action of the House on the 25th inst., in passing the following resolution:

“Resolved, That John Biddle, Roswell Root, Eurotas Morton, Alonzo T. Mather, Levi E. Dolsen, Fisher A. Harding and Shadrach Gillett, having received the greatest number of votes in the county of Wayne, for the office of representatives in the state legislature, were duly elected, and are entitled to their seats.”

They protest against the passage of said resolution, because they believe it contains a statement not borne out by the evidence before the House, and directly at variance with the facts, as proved by the *strongest and most conclusive presumptive and circumstantial evidence*; and therefore, calculated to reflect upon the integrity and veracity of the House. The proof is that in all the towns except Hamtramck, John Biddle and his associates received an average majority of one hundred and eleven, while in the town of Hamtramck, Samuel Phillips and his associates received an average majority of from one hundred and twenty-six to one hundred and thirty, thus clearly showing that John Biddle and his associates *did not* receive a majority of the votes in the county of Wayne:

Because we believe that Samuel Phillips, Ammon Brown, John Scott, Lemuel Goodell, George W. Ferrington and Da-

niel Goodell were duly elected as representatives from the county of Wayne, and if the House had granted a full, fair and impartial investigation, this would have been proved beyond a cavil or doubt, and to the satisfaction of the most incredulous:

Because we believe the action of the House, in refusing to instruct the committee on elections to issue subpoenas for witnesses to prove these facts, was not in accordance with precedents in similar cases, and operated unjustly upon those who claimed the seats in this House occupied by John Biddle and his associates, as it prevented their proving, by a kind of evidence perfectly unexceptionable, that *they* received a majority of the votes of the electors of the county of Wayne:

Because the action of this House, in giving legislative sanction to the principle, that the destruction of a ballot box may defeat the legally expressed will of a majority of the people, will lead to the most flagitious violations of the right of suffrage, and to a contempt of the popular will, the most fatal to the purity of the elective franchise:

Because we believe that after the House refused to order a thorough investigation into the matters connected with the Wayne county election, the only safe and proper course left, was to order a new election, as this may have defeated the design for which the Hamtramck ballot would have been destroyed, and would have enabled the electors of Wayne county to have placed upon this floor, representatives of their own choice.

O. D. RICHARDSON,	NATHAN S. PHILBRICK,
CHAS. G. HAMMOND,	KINSLEY S. BINGHAM,
JNO. STOCKTON,	C. P. BUSH,
JOSIAH LEE,	GEO. REDFIELD,
J. CLARK,	JOSEPH COATES,
MICHAEL SPENCER,	CHARLES OLIN,
L. S. HUMPHREY,	THOMAS CURTIS,
RUFUS TINNEY,	S. R. WOOD,
JAMES RUSSELL,	G. C. LEECH,
C. I. WALKER,	HENRY SMITH.

January 27, 1841.

RESOLUTIONS AND NOTICES.

Mr. Spencer offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor of this state be, and he is hereby authorized and requested to cause copies of the joint resolution of this legislature "in relation to the boundary line between this state and the territory of Wisconsin," under the great seal of the state, to be transmitted to the presiding officer of each of the two houses of congress, with a request that he lay the same before the house over which he presides.

On motion of Mr. G. Spencer,

The rule requiring joint resolutions to lay on the table one day, was suspended; and the above resolution was then considered and adopted.

Mr. Hammond offered the following, which was laid on the table, by his consent:

Resolved, That the committee on the judiciary be requested to inquire into the propriety of providing by law, for the exemption of personal estate for taxation to the amount of debts actually owing by the person or persons owning personal property, who shall, under oath, declare to the assessor what amount of debts are actually owing by him or them.

On motion of Mr. Geddes,

Resolved, That the board of appraisers on the public works, be requested to report to the House of Representatives, at as early a day as practicable, the amount and character of the several claims acted upon and adjusted; and also, the amount and character of the several claims presented to the board and not acted upon, so far as the board may have come to any knowledge in the premises.

On motion of Mr. Harding,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of further extending the provisions of law exempting certain property from execution.

On motion of Mr. Renwick,

Resolved, That the clerk of the House be directed to order, for the use of the library, one copy each of the daily papers of

this city, for and during the period of the session of the legislature, and that the librarian be requested to keep the same filed.

Mr. Harding gave notice that he would at an early day, ask leave to introduce "a bill to alter the terms of the court of chancery in the fourth and fifth circuits.

Mr. Curtis gave notice that on a future day, he would ask leave to bring in a bill to amend an act entitled "An act to organize the militia."

On motion of Mr. Daniels,

The House took up his joint resolutions laid upon the table yesterday, requiring the board of internal improvement to furnish the geological department with certain data.

The resolutions were then considered and adopted.

On motion of Mr. Wilcox,

The House took up for consideration, his joint resolutions laid on the table yesterday, relative to the salt springs.

On motion of Mr. Pierce,

The resolutions were laid on the table.

On motion of Mr. G. Spencer,

The rule limiting the number of members of the judiciary committee to five, was suspended; and, on his motion, two members were added to said committee.

The Chair announced Messrs. Brown and Walker as such additional members of said committee.

Mr. Bingham asked and obtained leave of absence for Mr. Curtis, on account of indisposition.

Mr. Harding for Mr. Mather, for the same reason.

Mr. Coates for Mr. Tinney, until Tuesday next.

On motion of Mr. Metcalf,

The special message of the executive, relative to that portion of the \$5,000,000 loan due from the Morris canal and banking company, with the accompanying documents, were referred to the committee on ways and means.

The Chair announced a special message from the executive, relative to the interest due on the "Detroit and Pontiac railroad state stock;" which message having been read,

On motion of Mr. Harding,

The message and accompanying documents were laid on the table, and ordered printed.

On motion of Mr. Hammond, the House adjourned.

Friday, January 29, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Fulton.

The roll being called, Messrs. Cook and Renwick were absent without leave.

Mr. G. Spencer asked and obtained leave of absence for Mr. Cook, on account of indisposition.

Mr. Pierce, for Mr. Renwick, for two days.

PETITIONS.

By Mr. Castle. Of inhabitants of Clinton county, to legalize certain acts of the township officers. Referred to the committee on the judiciary.

By Mr. Walker. Of inhabitants of Livingston, Ionia and Kent counties, for the laying out a state road, and the application of non-resident taxes in those counties for that purpose. Referred to the committee on roads and bridges.

By Mr. Russell. Of sundry citizens of Detroit, for the passage of a law for the inspection of hides and leather. Referred to the committee on manufactures.

By Mr. Walker. Of the county commissioners of Ionia county, for the legalization of the collection of a certain tax. Referred to the committee on the judiciary.

By Mr. Hammond. Of 79 persons of color, that the right of the elective franchise may be extended to them, by an amendment of the constitution of the state. Referred to the committee on the judiciary.

Mr. Castle presented the remonstrance of the county officers of Shiawassee county, against the passage of a law removing a certain tax to the county of Clinton. Referred to the committee on the judiciary.

REPORTS.

Mr. Larue, from the committee on claims, to which was re-

ferred the claim of Robert Abbott, for extra services as auditor general, reported adversely to said claim, and upon request, the committee was discharged from its further consideration.

Mr. Leech, from the committee on banks and incorporations, to which was referred the annual report of the River Raisin and Lake Erie railroad company, reported the same back to the House, and recommend that it be printed with the documents. And the same was ordered to be printed with the documents.

(See Document, No. 29.)

Mr. Brown, from the same committee, reported "a bill to amend an act, entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834;" which bill was twice read and referred to the committee of the whole, and placed on the general order.

Mr. Hammond, from the committee on the judiciary, to which was referred the memorial of Humphrey Wheeler, for relief, reported "a bill to authorize townships to remit certain fines and penalties therein named;" which bill, upon his motion, was laid on the table.

Mr. Richardson, from the same committee, to which was referred "a bill to aid those who may have money collected in the hands of their agents, in obtaining the same," reported the same back to the House, with amendments; which bill was referred to the committee of the whole and placed on the general order.

Mr. Walker, from the same committee, to which was referred the resolution instructing them to "inquire into the expediency of so amending the constitution of this state, as that general elections shall be limited to one day," reported adversely to the same; and, on his motion, the committee was discharged from its further consideration.

Mr. Walker, from the same committee, to which was referred "a bill to amend sections ten and eleven, chapter two, title three, part one of the revised statutes," reported the same back to the House without amendment, and recommended its passage. And the bill was referred to the committee of the whole, and placed on the general order.

Also, reported back without amendment, the "bill to amend an act, entitled 'An act for the relief of Ottawa county, and for other purposes;'" which bill received the same reference.

Mr. G. Spencer, from the same committee, to which was referred the memorial of S. M. Green, in relation to certain school district taxes, reported adversely to the objects of said memorial; and, upon his motion, the committee was discharged from its further consideration.

Mr. G. Spencer, from the same committee, reported "a bill to obviate the illegality of certain acts of the commissioners of highways of the township of Sena, Clinton county;" which bill was read twice, referred to the committee of the whole and placed on the general order.

Mr. G. Spencer, from the same committee, to which was referred the "bill to amend an act, entitled 'An act to incorporate the village of Ypsilanti,' and the act or acts amendatory thereof," reported the same back to the House, with amendments; and the bill was referred to the committee of the whole and placed on the general order.

Mr. Castle, from the committee on roads and bridges, to which was referred the "bill to authorize the building a dam therein named," reported the same back to the House with an amendment; and the bill was referred to the committee of the whole and placed on the general order.

Mr. Castle, from the same committee, to which was referred the petition of inhabitants of Ingham county, relative to unpaid highway taxes; also, the petition of the inhabitants of Rose, Oakland county, on the same subject, reported the same back to the house, and asked their reference to the committee on the judiciary. The said petitions were accordingly referred to the committee on the judiciary.

Mr. Castle, from the same committee, to which was referred the petition of inhabitants of Clinton county for a state road, reported the same back to the House, and asked its reference to the committee on ways and means. The said petition was accordingly referred to the committee on ways and means.

Mr. Castle, from the same committee, reported "a bill to provide for the laying out of certain state roads, and for other purposes;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Castle, from the same committee, to which was referred the resolution instructing them to inquire into the propriety of abolishing the office of road commissioner, reported the same back to the House, and asked to be discharged from its further consideration. The committee was accordingly discharged.

Mr. Castle, from the same committee, reported back to the House, without amendment, the "bill to amend 'An act relative to highway taxes,' approved March 20, 1840;" and the same was referred to the committee of the whole, and placed on the general order.

The Chair announced the following message from the Senate, through their secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, January 28, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the "joint resolution relative to the transmission, by the governor, of copies of a certain joint resolution to the presiding officer of each house of congress," and to inform you respectfully that the Senate have concurred therein.

Also, I am further directed by the Senate to transmit to the House of Representatives, "a bill to repeal certain parts of the revised statutes, entitled 'of fees,'" which the Senate have passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

The "bill to repeal certain parts of the revised statutes, entitled 'of fees,'" was twice read and referred to the committee on the judiciary.

The Chair also announced a communication from the board of appraisers on the public works, in reply to the resolution

adopted yesterday, requiring certain information from said board.

On motion of Mr. G. Spencer, it was referred to the committee on the judiciary; and,

On motion of Mr. Hammond, it was ordered printed.

(*See Document, No. 30.*)

Mr. Harding, pursuant to previous notice, asked and obtained leave to introduce "a bill to alter the terms of the court of chancery, in the fourth and fifth circuits;" which bill was twice read and referred to the committee on the judiciary.

On motion of Mr. Walker, the report of Mr. Wilcox, on the 27th instant, relative to the state salt springs, was ordered printed.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the "bill to amend an act entitled 'An act to provide for the destruction of wolves;'" and the same was taken up for consideration.

The bill was then ordered engrossed for a third reading.

Mr. Coates moved a reconsideration of the vote just taken; which motion did not prevail.

On motion of Mr. Hammond,

The rule requiring the second and third readings of bills to be on different days, was suspended.

On motion of Mr. Hammond,

The bill was then read a third time and passed.

Mr. Metcalf offered the following:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of appraisers appointed under the law of the last session, be directed to suspend further proceedings in relation to damages for right of way for the works of internal improvement.

On motion of Mr. Bingham,

The rule requiring joint resolutions to lay on the table one day, was suspended.

The joint resolution offered by Mr. Metcalf, was then considered; and,

On motion of Mr. Coates,

It was referred to the committee on internal improvement, by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,	
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,	
Mr. Castle,	Mr. Miller,	Mr. Stockton,	
Mr. Clark,	Mr. Olin,	Mr. Tyler,	
Mr. Coates,	Mr. Redfield,	Mr. Walker,	
Mr. Curtis,	Mr. Richardson,	Mr. Wood,	
Mr. Hammond,	Mr. Russell,	Mr. Speaker,	
Mr. Humphrey,			22

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Porter,	
Mr. Biddle,	Mr. Lamb,	Mr. Rogers,	
Mr. Brown,	Mr. Larue,	Mr. Root,	
Mr. Copeland,	Mr. Mather,	Mr. G. Spencer,	
Mr. Daniels,	Mr. Metcalf,	Mr. Sprague,	
Mr. Geddes,	Mr. Morton,	Mr. Wilcox,	
Mr. Harding,	Mr. Pierce,	Mr. Willits,	21

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the "bill to amend sections ten and eleven of chapter two, title three, part first of the revised statutes;" which bill was twice read and ordered engrossed for a third reading.

On motion of Mr. Walker,

The rule requiring bills to be printed, before taken up for a third reading, was suspended; and the said bill was then read a third time and passed.

On motion of Mr. Harding,

The House went into committee of the whole on the "bill relative to the administration of oaths to members and officers of the legislature;" Mr. Castle in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, without amendment; which report was concurred in.

The bill was then ordered to a third reading.

On motion of Mr. Harding,

The rule requiring the second and third readings of bills to be on different days, was suspended.

The bill was then read a third time and passed.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the "bill amendatory to 'An act to amend the revised statutes relative to primary schools,' approved April 1, 1840;" and,

On his motion, the same was recommitted to the committee on education.

On motion of Mr. Stockton, the House adjourned.

Saturday, January 30, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, Mr. G. Spencer was absent without leave.

PETITIONS.

By Mr. Miller. Of thirty-six inhabitants of Richland, Kalamazoo county, praying the legislature to grant a further suspension of specie payments to the banks. Referred to the committee on banks and incorporations.

By Mr. Barlow. By inhabitants of Allegan county, that the township of Manlius be added to the township of Newark. Referred to the committee on towns and counties.

By the same. Of inhabitants of the township of Manlius, Allegan county, for the annexation of towns one, two and four north, of range fifteen west, to said township. Referred to the committee on towns and counties.

By Mr. Tyler. Of inhabitants of St. Joseph county, relative to the abolition of slavery. Referred to the committee on the judiciary.

By Mr. Barlow. Of the county commissioners of Allegan county, for the passage of a law authorizing counties to bid in lands sold for taxes. Referred to the committee on the judiciary.

The Chair announced the following message from the Senate, by their secretary, Mr. Kellogg:

SENATE CHAMBER,
Friday, January 29, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit to the House of Representatives, “a bill to repeal an act entitled ‘An act to extend the powers of justices of the peace, and for other purposes,’ approved April 6, 1838;” also, “a bill to amend the law relative to crimes,” both of which the Senate have passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

The “bill to repeal an act entitled ‘An act to extend the powers of justices of the peace, and for other purposes;’” also, the “bill to amend the law relative to crimes,” were both twice read, and referred to the committee on the judiciary.

RESOLUTIONS AND NOTICES.

On motion of Mr. Hammond,

Resolved, That the committee on elections be requested to report to this House, on Monday next, in obedience to a resolution of this House, instructing them to inquire whether Levi E. Dolsen, a member of this House, from the county of Wayne, is not an alien, and constitutionally disqualified to sit as such member, &c.

On motion of Mr. Walker,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of amending the law relative to the conveyance of real estate, laying within this state, executed in foreign countries.

Resolved, That the superintendent of public instruction be requested to communicate to this House, the amount loaned by him from the university and school fund, distinguishing between the funds; whether the same is loaned to counties or individuals, or how much to each, and whether the interest is promptly paid thereon; the number of acres of university lands not yet offered at public sale, and the counties where said lands are

located; the number of acres and location of those offered for sale once, and those offered for sale twice, and now subject to private sale.

On motion of Mr. Hammond,

The House took up the resolution offered by him, and laid on the table, on the 28th instant, relative to an exemption of certain personal property from taxation; and the resolution was then considered and adopted.

On motion of Mr. Hammond,

The House took up for consideration, the joint resolution from the Senate, "relative to the returns of children and others using foreign languages;" and,

On his motion, the resolution was then referred to the committee on education.

The Chair announced a special message from the executive, relative to maps and documents received from several of the states of the Union; which message,

On motion of Mr. Bingham, was referred to the committee on the library.

On motion of Mr. Harding,

The committee of the whole was discharged from the further consideration of the Senate "bill to amend chapter two, title three, part three of the revised statutes, entitled 'of the action of ejectment;'" and the same was then,

On his motion, referred to the committee on the judiciary; and,

On motion of Mr. Smith,

The House went into committee of the whole, on the "bill to amend an act entitled 'An act to alter the route of the Havre branch railroad, and for other purposes,'" Mr. Pierce in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, without amendment, which report was concurred in.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Smith, the 22d rule was suspended; and, The bill was then read a third time and passed.

On motion of Mr. Metcalf,

The House went into committee of the whole, on the "bill to authorize the building of a certain dam therein named."

After some time spent thereon, the committee rose, reported progress and asked and obtained leave to sit again.

On motion of Mr. Smith,

The House went into committee of the whole, on the "bill to amend an act entitled 'an act to organize the militia;' approved April 23, 1838," Mr. Copeland in the chair.

After some time spent thereon, the committee rose and reported the same back with an amendment.

Mr. Hammond moved to recommit the bill to the committee on the militia, with instructions to report a bill providing for the enrolment and equipment of the militia only, without providing for parade in ordinary times, and providing for such returns as will enable this state to obtain the arms from the United States, to which we may be entitled.

Pending the consideration of said motion,

On motion of Mr. Smith, the House adjourned.

Monday, February 1, 1841.

The House met pursuant to adjournment.

The roll being called, Messrs. Humphrey, Renwick and Smith, were absent without leave.

Mr. Pierce asked and obtained leave of absence for Mr. Renwick, for one day.

Mr. Russell obtained leave of absence for Messrs. Humphrey and Smith.

PETITIONS.

By the Speaker. Of W. W. McLowth, for a premium on silk manufactured in this state. Referred to the committee on manufactures.

By Mr. G. Spencer. Of sundry citizens of Washtenaw county, for the exemption of persons of color from payment of a poll tax. Referred to the committee on the judiciary.

By Mr. Barlow. Of inhabitants of Barry county, for the

organization of a certain township. Referred to the committee on towns and counties.

By Mr. Walker. Of settlers on university and school lands, for relief. Referred to the select committee on university and state lands.

By the Speaker. Of sundry citizens, praying that botanic physicians may be enabled to recover by law, compensation for their services; laid on the table, a report having been made upon that subject.

Mr. Wilcox presented the claim of P. R. Adams, for certain services rendered the state. Referred to the committee on claims.

Mr. Copeland, from the committee on towns and counties, reported "A bill to organize certain townships therein named;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

RESOLUTIONS AND NOTICES.

On motion of Mr. Metcalf,

Resolved, That a select committee of five be appointed to inquire into the constitutionality and propriety of providing for the issuing of state script, in such sums as shall be deemed convenient, redeemable at such times as the several instalments from the United States bank fall due, and that they have leave to report by bill or otherwise.

On motion of Mr. Clark,

Resolved, That the committee on ways and means be requested to inquire how much money the agents of this state have paid, by authority of law, since its organization, for insurance; what property has been saved by such insurance; and if any, how much; and report to this House, with all convenient dispatch.

On motion of Mr. Hawley,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of altering or abolishing the act entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors."

Resolved, That the committee on the judiciary be instructed

to inquire into the propriety of altering the law, relative to issuing writs of attachment in the circuit and other courts within this state.

Mr. G. Spencer gave notice that on some future day, he should ask leave to introduce "a bill to authorize the anticipation of certain instalments of the five million loan, and for other purposes."

Mr. Bingham moved that the House take up for consideration the joint resolution fixing upon the 15th inst., for the adjournment of the legislature; which motion prevailed by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Redfield,
Mr. Bingham,	Mr. Hammond,	Mr. Richardson,
Mr. Brown,	Mr. Harding,	Mr. Root,
Mr. Bush,	Mr. Larue,	Mr. M. Spencer,
Mr. Castle,	Mr. Lee,	Mr. Tyler,
Mr. Clark,	Mr. Leech,	Mr. Walker,
Mr. Coates,	Mr. Mather,	Mr. Wood,
Mr. Curtis,	Mr. Morton,	Mr. Speaker,
Mr. Dolsen,	Mr. Olin,	

26

NAYS.

Mr. Biddle,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Copeland,	Mr. Miller,	Mr. Sprague,
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,
Mr. Geddes,	Mr. Porter,	Mr. Willits,
Mr. Lamb,	Mr. Rogers,	

14

The resolution being under consideration, Mr. Pierce moved to postpone its further consideration until the 15th inst; which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Porter,
Mr. Brown,	Mr. Lamb,	Mr. Rogers,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Copeland,	Mr. Mather,	Mr. Sprague,
Mr. Daniels,	Mr. Metcalf,	Mr. Tyler,
Mr. Dolsen,	Mr. Miller,	Mr. Wilcox,
Mr. Geddes,	Mr. Morton,	Mr. Willits,
Mr. Gillett,	Mr. Pierce,	Mr. Speaker,
Mr. Harding,		

25

NAYS.

Mr. Biddle,	Mr. Hammond,	Mr. Root,
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Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,

Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. M. Spencer,
Mr. Walker,
Mr. Wood,

17

Mr. Biddle laid on the table the following joint resolution:

Resolved, (if the Senate concur,) That this legislature will adjourn on Saturday the 27th day of February, 1841.

Mr. G. Spencer moved that the petition from the citizens of Washtenaw, relative to a reduction of the pay of members of the legislature, presented by him and laid on the table on the 18th ult., be taken up that the same may be transmitted to the Senate; which motion prevailed.

On motion of Mr. Porter,

The House went into committee of the whole, on the "bill (number seven,) to authorize the building of a certain dam therein named;" Mr. Harding in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments, which were concurred in by the House.

The bill was then ordered engrossed for a third reading.

Mr. Brown moved that the rule requiring printed bills to be one day upon the members' tables before considered in committee of the whole, be suspended, that House bill number eighteen, might then be considered; which motion did not prevail.

On motion of Mr. Castle,

The House went into committee of the whole, on the "bill (number eleven,) to authorize the building of a certain dam therein named;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by the House.

The bill was then ordered to be engrossed for a third reading.

The Chair announced a communication from the state geologist, accompanying his annual report.

On motion of Mr. Larue,

The report was laid on the table, and ordered printed.

(*See Joint Document, No. 11.*)

On motion of Mr. Hammond,

The House took up the resolution offered by Mr. Coates, and laid on the table on the 25th inst., requesting the commissioners appointed to settle with the Michigan state bank, to report without unnecessary delay.

The resolution was then considered and adopted.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the (Senate) "bill to amend an act entitled 'An act to provide for the disposition of prisoners apprehended within the county of Macomb.'"

The said bill was then taken up, and ordered to a third reading.

On motion of Mr. Stockton,

The rule requiring the second and third readings of bills to be on different days, was suspended; and,

The bill was then read a third time, and passed.

On motion of Mr. G. Spencer,

The rule requiring printed bills to be upon the members' tables one day, before considered in committee of the whole, was suspended, that the "bill to amend an act entitled 'An act for the relief of Ottawa county, and for other purposes,' " might then be considered; and,

On motion of Mr. G. Spencer,

The House went into committee of the whole on said bill, Mr. Bingham in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments, which were concurred in by the House.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Porter,

The twenty-second rule, requiring the second and third readings of bills to be on different days, was suspended.

The said bill was then read a third time, and passed.

On motion of Mr. G. Spencer,

The rule requiring printed bills to be on the members' tables one day before considered in committee of the whole, was suspended, that the "bill to aid those who may have money collected in the hands of their agents, in obtaining the same," might then be considered; and,

On motion of Mr. G. Spencer,

The House went into committee of the whole on said bill, Mr. Brown in the chair.

After some time spent thereon, the committee rose, reported progress, asked and obtained leave to sit again.

On motion of Mr. G. Spencer,

The committee of the whole was discharged from the further consideration of said bill; and on his motion, said bill was then recommitteed to the committee on the judiciary.

On motion of Mr. Daniels,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so extending the time for winding up the affairs of banking and other incorporations, as to prevent ruinous sacrifices of the assets of such corporations; and also, further to inquire what alterations, if any, are necessary in the act to provide for the voluntary dissolution of corporations, and the amendments thereto, and that they report as soon as may be, by bill or otherwise.

On motion of Mr. Walker, the House adjourned.

Tuesday, February 2, 1841.

The House met pursuant to adjournment.

The roll being called, Mr. Bush was absent without leave.

Mr. Porter asked and obtained leave of absence for the sergeant-at-arms, for one day, on account of indisposition.

The Chair announced the following select committee, in pursuance of the resolution adopted yesterday, in relation to the issuing of state scrip, viz: Messrs. Metcalf, Harding, Smith, G. Spencer and Redfield.

PETITIONS.

By Mr. Castle. Of inhabitants of Clinton county, for the

organization of a certain township. Referred to the committee on towns and counties.

By Mr. Porter. Of inhabitants of St. Clair county, for the passage of a law preventing extensive dealers in provisions from being appointed inspectors thereof. Referred to the committee on the judiciary.

By the same. Of inhabitants of St. Clair county, for the disfranchisement of persons betting on the result of elections. Referred to the committee on the judiciary.

By Mr. Hawley. Of inhabitants of Jackson county, for a bounty on raw silk produced in this state. Referred to the committee on agriculture.

By the same. Of inhabitants of Jackson county, for the alteration of a state road. Referred to the committee on roads and bridges.

By Mr. Hammond. Of thirty-one inhabitants of Hillsdale county, for the reduction of the price of university and school lands. Referred to the committee on university and school lands.

By Mr. M. Spencer. Two several petitions of inhabitants of Calhoun county, for the same purpose as the foregoing. Same reference.

Mr. Hawley presented the remonstrance of inhabitants of the town of Tompkins, Jackson county, against certain alterations of a state road in that town. Referred to the committee on roads and bridges.

Mr. Larue presented the claim of Anthony Ten Eyck, for sand, &c., furnished state prison. Referred to the committee on claims.

On motion of Mr. Wilcox,

The petition of the stockholders of the Palmyra and Jacksonburg railroad company, together with the annual report of said company, were taken up and referred to the committee on internal improvement.

REPORTS.

Mr. Brown, from the committee on the judiciary, reported "a bill to provide for the compensation of township collectors;"

which bill was twice read and referred to the committee of the whole, and placed on the general order.

Mr. Copeland, from the committee on towns and counties, reported "a bill to repeal section three of an act entitled 'An act to organize certain townships, and for other purposes;'" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Walker, from the committee on the judiciary, reported "a bill to amend section two, chapter six, title two, part one of the revised statutes;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. G. Spencer, from the same committee, to whom was referred the Senate "bill to amend the law relative to crimes," reported the same back to the House without amendment, and recommended its passage.

The bill was then referred to the committee of the whole, and placed on the general order.

Mr. G. Spencer, from the same committee, to whom was referred the petition of Emily Simmons, for a divorce from her husband, Benjamin Simmons, reported that the constitution prohibits the legislature from granting divorces, and that the proper place for such applications, is the courts of law; and, upon request, the committee was discharged from the further consideration of the subject.

Mr. G. Spencer, from the same committee, to whom was referred a resolution relative to exempting certain property from execution, reported that any further legislation at present, on that subject, was inexpedient.

The committee, upon request, was discharged from the further consideration of the subject.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Tuesday, February 2, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit to the House

of Representatives, "a bill to amend part one, title five, chapter eight, of the revised statutes, entitled 'of specific state taxes,'" which the Senate have passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

The bill by the above message, was twice read and referred to the committee on the judiciary.

The Chair announced a special message from the executive, transmitting a communication from the state treasurer, relative to moneys received for taxes; which message and accompanying document,

On motion of Mr. Hammond,

Were referred to the committee on ways and means.

The Chair also announced a special message from the executive, transmitting a certain communication from the "New York Historical society." The message and accompanying document,

On motion of Mr. Walker,

Were referred to the committee on the library.

RESOLUTIONS AND NOTICES.

Mr. Coates offered the following resolution, which was laid on the table by his consent:

Resolved, That the auditor general be requested to furnish this House a condensed statement of the receipts and expenditures of the state, for the years 1836, 1837, 1838, 1839 and 1840, distinguishing the executive, judicial, legislative and extraordinary expenses of each year; also distinguishing the receipts, whether from taxation or other sources; also the indebtedness and liabilities of the general fund, at the close of the last fiscal year, with an estimate of the expenses and probable income of the state, during the present fiscal year, with such other information as shall fully exhibit the financial condition of the state.

On motion of Mr. Redfield,

Resolved, That there be printed of the report of the state geologist, one thousand copies, for the use of this House.

Mr. Porter offered the following resolution:

Resolved, That the topographical department of this state, be requested and authorized to furnish each member of this House with one copy of a map of the state of Michigan, and one copy of a map of the county in which such member shall reside.

Mr. Walker moved to amend the resolution, by striking out all after the word "Michigan."

Mr. Metcalf moved to amend the amendment.

Mr. Walker moved to lay the whole subject on the table; which motion did not prevail.

Mr. Metcalf then withdrew his amendment.

The question then recurring upon Mr. Walker's amendment, Mr. Porter then withdrew his resolution.

Mr. Hammond offered the following, which was adopted:

Resolved, That the state geologist be requested to furnish this House with a statement of the forwardness of the maps in the topographical department, saying what maps are finished and what are unfinished, and at what time a copy of the state map can be furnished to the members of this House.

Mr. Walker gave notice that at a future day, he should introduce a bill legalizing certain taxes in Ionia county.

Mr. G. Spencer moved that the House do now proceed to the nomination of one person for the office of senator, to fill the vacancy which will exist in the representation of this state, in the senate of the United States, on the fourth day of March next, by the expiration of the term of service of the honorable John Norvell, on the third day of March next.

On motion of Mr. Bingham,

A call of the House was ordered; when it appeared that Messrs. Bush and Pierce were absent without leave.

Mr. Bingham obtained leave of absence for Mr. Bush, on account of indisposition.

And Mr. Pierce soon appeared and took his seat; when,

On motion of Mr. Bingham,

The further proceedings under the call were dispensed with.

The names of the members then being called by the clerk, they severally voted as follows:

FOR CHARLES E. STUART,

Mr. Bingham,	Mr. Lee,	Mr. Smith,	
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. Richardson,	Mr. Wood,	
Mr. Humphrey,	Mr. Russell,		17

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Geddes,	Mr. Miller,	
Mr. Biddle,	Mr. Gillett,	Mr. G. Spencer,	
Mr. Brown,	Mr. Harding,	Mr. Sprague,	
Mr. Castle,	Mr. Hawley,	Mr. Wilcox,	
Mr. Copeland,	Mr. Larue,	Mr. Willits,	
Mr. Daniels,	Mr. Mather,	Mr. Speaker,	
Mr. Dolsen,	Mr. Metcalf,		20

FOR JAMES L. CONGER,

Mr. Lamb,	Mr. Morton,		2
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FOR WILLIAM WOODBRIDGE,

Mr. Pierce,	Mr. Rogers,	Mr. Root,	
Mr. Porter,			4

FOR WILLIAM H. WELCH,

Mr. Renwick,			1
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FOR AUSTIN E. WING,

Mr. Stockton,			1
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FOR LUTHER F. STEVENS,

Mr. Tyler,			1
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No choice having been made, on motion of Mr. Harding, the House proceeded to a second vote, which resulted as follows:

FOR CHARLES E. STUART,

Mr. Bingham,	Mr. Lee,	Mr. Smith,	
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. Richardson,	Mr. Wood,	
Mr. Humphrey,	Mr. Russell,		17

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Geddes,	Mr. Miller,	
Mr. Biddle,	Mr. Gillett,	Mr. G. Spencer,	

Mr. Brown,	Mr. Harding,	Mr. Sprague,	
Mr. Castle,	Mr. Hawley,	Mr. Wilcox,	
Mr. Copeland,	Mr. Larue,	Mr. Willits,	
Mr. Daniels,	Mr. Mather,	Mr. Speaker,	
Mr. Dolsen,			19

FOR WILLIAM H. WELCH,

Mr. Lamb,	Mr. Pierce,	Mr. Renwick,	3
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FOR LUTHER F. STEVENS,

Mr. Metcalf,	Mr. Tyler,		2
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FOR WILLIAM WOODBRIDGE,

Mr. Morton,	Mr. Rogers,	Mr. Root,	
Mr. Porter,			4

FOR AUSTIN E. WING,

Mr. Stockton,			1
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No choice having been made, on motion of Mr. Smith, the House proceeded to a third vote, and the following was the result:

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Geddes,	Mr. G. Spencer,	
Mr. Biddle,	Mr. Gillett,	Mr. Sprague,	
Mr. Brown,	Mr. Harding,	Mr. Tyler,	
Mr. Castle,	Mr. Hawley,	Mr. Wilcox,	
Mr. Copeland,	Mr. Larue,	Mr. Willits,	
Mr. Daniels,	Mr. Mather,	Mr. Speaker,	
Mr. Dolsen,	Mr. Miller,		20

FOR AUSTIN E. WING,

Mr. Bingham,	Mr. Lee,	Mr. Smith,	
Mr. Clark,	Mr. Lecch,	Mr. M. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Stockton,	
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,	
Mr. Hammond,	Mr. Richardson,	Mr. Walker,	
Mr. Humphrey,	Mr. Russell,	Mr. Wood,	18

FOR WILLIAM H. WELCH,

Mr. Lamb,	Mr. Morton,	Mr. Renwick,	
Mr. Metcalf,	Mr. Pierce,		5

FOR WILLIAM WOODBRIDGE,

Mr. Porter,	Mr. Rogers,	Mr. Root,	3
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No choice having been made, on motion of Mr. G. Spencer, the House proceeded to a fourth vote, and the same resulted as follows:

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Geddes,	Mr. G. Spencer,
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Mr. Biddle,	Mr. Gillett,	Mr. Sprague,	
Mr. Brown,	Mr. Harding,	Mr. Strong,	
Mr. Castle,	Mr. Hawley,	Mr. Wilcox,	
Mr. Copeland,	Mr. Larue,	Mr. Willits,	
Mr. Daniels,	Mr. Mather,	Mr. Speaker,	
Mr. Dolsen,	Mr. Miller,		20

FOR AUSTIN E. WING,

Mr. Bingham,	Mr. Leech,	Mr. Stockton,	
Mr. Curtis,	Mr. Richardson,	Mr. Tinney,	
Mr. Hammond,	Mr. Russell,	Mr. Walker,	
Mr. Humphrey,	Mr. Smith,	Mr. Wood,	
Mr. Lee,	Mr. M. Spencer,		14

FOR EDWARD MUNDY,

Mr. Clark,	Mr. Coates,		2
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FOR WILLIAM H. WELCH,

Mr. Lamb,	Mr. Pierce,	Mr. Rogers,	
Mr. Metcalf,	Mr. Porter,	Mr. Root,	
Mr. Morton,	Mr. Renwick,	Mr. Tyler,	9

FOR CHARLES E. STUART,

Mr. Olin,	Mr. Redfield,		2
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There yet being no choice, on motion of Mr. Hawley, the House proceeded to a fifth vote, which resulted as follows:

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Geddes,	Mr. G. Spencer,	
Mr. Biddle,	Mr. Gillett,	Mr. Sprague,	
Mr. Brown,	Mr. Harding,	Mr. Strong,	
Mr. Castle,	Mr. Hawley,	Mr. Wilcox,	
Mr. Copeland,	Mr. Larue,	Mr. Willits,	
Mr. Daniels,	Mr. Mather,	Mr. Speaker,	
Mr. Dolsen,	Mr. Miller,		20

FOR CHARLES E. STUART,

Mr. Bingham,	Mr. Olin,	Mr. Russell,	
Mr. Hammond,	Mr. Richardson,	Mr. Tinney,	
Mr. Leech,			7

FOR RANDOLPH MANNING,

Mr. Clark,	Mr. Coates,	Mr. Wood,	3
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FOR WILLIAM H. WELCH,

Mr. Curtis,	Mr. Porter,	Mr. Rogers,	
Mr. Morton,	Mr. Renwick,	Mr. Root,	
Mr. Pierce,			7

FOR ISAAC E. CRARY,

Mr. Humphrey,	Mr. Redfield,	Mr. Smith,	3
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FOR LUTHER F. STEVENS,

Mr. Lamb,	Mr. Metcalf,	Mr. Tyler,	3
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FOR AUSTIN E. WING,

Mr. Lee,	Mr. Stockton,	2
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FOR RIX ROBINSON,

Mr. Walker,	1
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FOR BLANK,

Mr. M. Spencer,	1
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Mr. Bingham moved to adjourn; which motion was negatived by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Root,	
Mr. Bingham,	Mr. Lee,	Mr. Russell,	
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Stockton,	
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,	
Mr. Hammond,	Mr. Richardson,	Mr. Walker,	18

NAYS.

Mr. Biddle,	Mr. Lamb,	Mr. Smith,	
Mr. Brown,	Mr. Larue,	Mr. G. Spencer,	
Mr. Castle,	Mr. Mather,	Mr. Sprague,	
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,	
Mr. Daniels,	Mr. Miller,	Mr. Tyler,	
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,	
Mr. Geddes,	Mr. Pierce,	Mr. Willits,	
Mr. Gillett,	Mr. Porter,	Mr. Wood,	
Mr. Harding,	Mr. Renwick,	Mr. Speaker,	
Mr. Hawley,	Mr. Rogers,		29

On motion of Mr. Metcalf, the House then proceeded to a sixth vote for senator, (there yet being no choice,) and the following was the result:

FOR JAMES WRIGHT GORDON,

Mr. Biddle,	Mr. Gillett,	Mr. G. Spencer,	
Mr. Castle,	Mr. Harding,	Mr. Sprague,	
Mr. Copeland,	Mr. Hawley,	Mr. Strong,	
Mr. Daniels,	Mr. Larue,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Mather,	Mr. Willits,	
Mr. Geddes,	Mr. Miller,	Mr. Speaker,	18

FOR WILLIAM H. WELCH,

Mr. Barlow,	Mr. Morton,	Mr. Renwick,	
Mr. Brown,	Mr. Pierce,	Mr. Rogers,	
Mr. Lamb,	Mr. Porter,	Mr. Tyler,	
Mr. Metcalf,	Mr. Redfield,	Mr. Wood,	12

FOR SAMUEL PHILLIPS,		
Mr. Bingham, Mr. Coates,	Mr. Smith,	Mr. M. Spencer,
		4
FOR RANDOLPH MANNING,		
Mr. Clark,	Mr. Leech,	2
FOR JOHN NORVELL,		
Mr. Curtis,		1
FOR LEWIS CASS,		
Mr. Hammond, Mr. Humphrey,	Mr. Lee,	Mr. Richardson,
		4
FOR STEPHEN H. PRESTON,		
Mr. Olin,		1
FOR LUTHER F. STEVENS,		
Mr. Root,		1
FOR AUSTIN E. WING,		
Mr. Russell,	Mr. Tinney,	2
FOR RANDALL S. RICE,		
Mr. Stockton,		1
FOR JOHN S. BARRY,		
Mr. Walker,		1

At this stage of the proceedings, a committee from the Senate was announced, which informed the House that the Senate had nominated a person for the office of United States senator, and that the Senate was then ready to meet the House in joint convention, to compare nominations and to perfect the election.

Mr. Coates moved to adjourn, which motion did not prevail.

Mr. Coates then moved that the further proceedings in relation to the nomination of a United States senator, be postponed until to-morrow morning, at 10 o'clock; which motion did not prevail.

No choice having yet been effected, on motion of Mr. Metcalf, the House proceeded to a seventh vote, which resulted as follows:

FOR JAMES WRIGHT GORDON,		
Mr. Barlow, Mr. Biddle,	Mr. Dolsen, Mr. Gillett,	Mr. G. Spencer, Mr. Sprague,

Mr. Brown,	Mr. Harding,	Mr. Strong,	
Mr. Castle,	Mr. Larue,	Mr. Wilcox,	
Mr. Copeland,	Mr. Mather,	Mr. Willits,	
Mr. Daniels,	Mr. Miller,	Mr. Speaker,	18

FOR WILLIAM H. WELCH,

Mr. Lamb,	Mr. Pierce,	Mr. Redfield,	
Mr. Metcalf,	Mr. Porter,	Mr. Tyler,	
Mr. Morton,			7

FOR JOHN P. CLEVELAND,

Mr. Bingham,	Mr. Hammond,	Mr. Leech,	3
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FOR JOHN NORVELL,

Mr. Clark,	Mr. Olin,	Mr. Smith,	
Mr. Curtis,	Mr. Richardson,	Mr. Tinney,	6

FOR RANDOLPH MANNING,

Mr. Coates,			1
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FOR LUTHER F. STEVENS,

Mr. Geddes,			1
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FOR Z. PLATT,

Mr. Hawley,	Mr. Renwick,	Mr. Rogers,	3
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FOR LEWIS CASS,

Mr. Humphrey,			1
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FOR ROBERT P. ELDRIDGE,

Mr. Lee,	Mr. Stockton,		2
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FOR JAMES L. CONGER,

Mr. Root,	Mr. Russell,	Mr. Wood,	3
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FOR SIDNEY SWEET,

Mr. M. Spencer,			1
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FOR RIX ROBINSON,

Mr. Walker,			1
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Mr. G. Spencer moved that the further proceedings relative to the nomination of a United States senator, be postponed until to-morrow morning, at 11 o'clock; which motion did not prevail.

Mr. Hammond moved to adjourn; which motion was negatived by the following vote:

YEAS.

Mr. Clark,	Mr. Olin,	Mr. M. Spencer,
Mr. Hammond,	Mr. Redfield,	Mr. Stockton,
Mr. Hawley,	Mr. Richardson,	Mr. Tinney,

Mr. Humphrey,	Mr. Root,	Mr. Walker,	
Mr. Lee,	Mr. Russell,	Mr. Wood,	
Mr. Leech,	Mr. Smith,		17

NAYS.

Mr. Barlow,	Mr. Geddes,	Mr. Porter,	
Mr. Biddle,	Mr. Gillett,	Mr. Renwick,	
Mr. Bingham,	Mr. Harding,	Mr. Rogers,	
Mr. Brown,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Castle,	Mr. Larue,	Mr. Sprague,	
Mr. Coates,	Mr. Mather,	Mr. Strong,	
Mr. Copeland,	Mr. Metcalf,	Mr. Tyler,	
Mr. Curtis,	Mr. Miller,	Mr. Wilcox,	
Mr. Daniels,	Mr. Morton,	Mr. Willits,	
Mr. Dolsen,	Mr. Pierce,	Mr. Speaker,	30

And there still being no choice, on motion of Mr. Brown, the House then proceeded to the eighth vote, and the following was the result thereof:

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Gillett,	Mr. G. Spencer,	
Mr. Biddle,	Mr. Harding,	Mr. Sprague,	
Mr. Brown,	Mr. Hawley,	Mr. Strong,	
Mr. Castle,	Mr. Larue,	Mr. Tyler,	
Mr. Copeland,	Mr. Mather,	Mr. Wilcox,	
Mr. Daniels,	Mr. Metcalf,	Mr. Willits,	
Mr. Dolsen,	Mr. Miller,	Mr. Speaker,	
Mr. Geddes,			22

FOR JOHN NORVELL,

Mr. Bingham,	Mr. Leech,	Mr. Russell,	
Mr. Clark,	Mr. Olin,	Mr. Smith,	
Mr. Coates,	Mr. Redfield,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Richardson,	Mr. Tinney,	12

FOR EPAPHRODITAS RANSOM,

Mr. Hammond,			1
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FOR JOHN J. ADAM,

Mr. Humphrey,			1
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FOR JAMES L. CONGER,

Mr. Lamb,	Mr. Porter,	Mr. Wood,	
Mr. Morton,	Mr. Root,		5

FOR SAMUEL AXFORD,

Mr. Lee,	Mr. Stockton,		2
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FOR WILLIAM WOODBRIDGE,

Mr. Pierce,			1
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FOR Z. PLATT,

Mr. Renwick,

Mr. Rogers,

2

FOR RIX ROBINSON,

Mr. Walker,

1

On motion of Mr. Porter,

Further proceedings relative to the nomination of a person for the office of United States senator, were postponed until to-morrow morning, at 11 o'clock.

On motion of Mr. Stockton, the House adjourned.

Wednesday, February 3, 1841.

The House met pursuant to adjournment.

The roll being called, Mr. Hawley was absent without leave.

PETITIONS.

By Mr. Barlow. Of inhabitants of the township of Allegan, county of that name, for the organization of a new township. Referred to the committee on towns and counties.

By Mr. Copeland. Of inhabitants of Napoleon, Jackson county, purchasers of school lands, praying for relief. Referred to the committee on university and school lands.

By the same. Four several petitions of inhabitants of Jackson county, for bounty on raw silk grown in this state. Referred to the committee on agriculture.

Mr. Copeland presented the claim of Thomas Colley, against commissioners of state prison. Referred to the committee on claims.

The Speaker presented a remonstrance from the inhabitants of Macon, Lenawee county, against a division of said town. Referred to the committee on towns and counties.

Mr. Larue presented the claim of Henry E. Perry, for materials furnished and services rendered by order of the committee on supplies. Referred to the committee on claims.

Mr. Biddle presented the memorial of Thomas C. Sheldon and others, citizens of the city of Detroit, praying the legislature to take into consideration the present deranged condition

of the currency of this state, and to render the necessary legislative aid to the banks.

Mr. Biddle moved its reference to a select committee; which motion did not prevail.

The said memorial was then referred to the committee on banks and incorporations.

Mr. Metcalf from the committee on internal improvement, presented an abstract of the returns in the office of United States marshal; and, on his motion, the same was ordered printed.

(See Document, No. 31.)

The Chair announced a communication from the auditor general, in reply to a resolution adopted on the 20th ult., respecting the pecuniary resources of the state; which,

On motion of Mr. Hammond,

Was laid on the table and ordered printed.

(See Document, No. 32.)

The Chair also announced a special message from the executive, transmitting a supplemental report of the special committee appointed to investigate the affairs of the several boards of internal improvement; which message and accompanying document, were referred to the committee on claims.

On motion of Mr. Coates,

The House took up for consideration, the resolution offered by him and laid on the table yesterday, requesting certain information from the auditor general, relative to the receipts and expenses of the state government.

Mr. Metcalf moved that the further consideration of the resolution be indefinitely postponed.

Pending the consideration of which motion, the hour having arrived for the consideration of the unfinished business of yesterday, it being the nomination of a person for the office of United States senator,

Mr. Porter moved a call of the House, which motion was sustained.

When it appeared that Mr. Hawley was absent without leave.

On motion of Mr. Porter,
The sergeant-at-arms was directed to bring into the House,
the absentee.

On motion of Mr. Geddes,
The further proceedings under the call, were dispensed with.
The names of the members then being called, the vote was
as follows:

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Dolsen,	Mr. G. Spencer,	
Mr. Biddle,	Mr. Gillett,	Mr. Sprague,	
Mr. Brown,	Mr. Harding,	Mr. Strong,	
Mr. Castle,	Mr. Larue,	Mr. Wilcox,	
Mr. Copeland,	Mr. Mather,	Mr. Willits,	
Mr. Daniels,	Mr. Miller,	Mr. Speaker,	18

FOR WILLIAM H. WELCH,

Mr. Renwick,

FOR WILLIAM WOODBRIDGE,

Mr. Geddes,	Mr. Pierce,	Mr. Root,	
Mr. Metcalf,	Mr. Porter,	Mr. Tyler,	
Mr. Morton,	Mr. Rogers,		8

FOR CHARLES E. STEWART,

Mr. Bingham,	Mr. Leech,	Mr. Stockton,	
Mr. Bush,	Mr. Olin,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. M. Spencer,	Mr. Wood,	
Mr. Lee,			13

FOR RANDOLPH MANNING,

Mr. Clark,	Mr. Coates,	Mr. Richardson,	3
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FOR H. D. TERRY,

Mr. Humphrey,			1
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FOR T. J. DRAKE,

Mr. Lamb,			1
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FOR D. B. MILLER,

Mr. Russell,	Mr. Smith,		2
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There being no choice made, on motion of Mr. Harding, the
House then proceeded to a second vote, which resulted as fol-
lows:

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Geddes,	Mr. G. Spencer,
Mr. Biddle,	Mr. Gillett,	Mr. Sprague,

Mr. Brown,	Mr. Harding,	Mr. Strong,	
Mr. Castle,	Mr. Larue,	Mr. Wilcox,	
Mr. Copeland,	Mr. Mather,	Mr. Willits,	
Mr. Daniels,	Mr. Miller,	Mr. Speaker,	
Mr. Dolsen,	Mr. Renwick,		20

FOR WILLIAM WOODBRIDGE,

Mr. Bingham,	Mr. Leech,	Mr. Root,	
Mr. Bush,	Mr. Metcalf,	Mr. Russell,	
Mr. Clark,	Mr. Morton,	Mr. Smith,	
Mr. Coates,	Mr. Olin,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Pierce,	Mr. Stockton,	
Mr. Hammond,	Mr. Porter,	Mr. Tinney,	
Mr. Humphrey,	Mr. Redfield,	Mr. Tyler,	
Mr. Lamb,	Mr. Richardson,	Mr. Walker,	
Mr. Lee,	Mr. Rogers,	Mr. Wood,	27

The Chair announced William Woodbridge as duly nominated by the House for Senator of the United States, he having received a majority of all the votes.

Mr. Bingham moved that a committee of two be appointed to wait upon and inform the Senate that the House have nominated a person for the office of United States senator, and that the House was now ready to meet the Senate in joint convention, to perfect an election.

The Chair announced as such committee, Messrs. Bingham and Porter.

After a short absence, the committee appointed to wait upon the Senate, returned and reported that they had discharged the duty assigned them, and that the Senate would meet the House in joint convention, forthwith.

JOINT CONVENTION.

The convention met in the hall of the House of Representatives, and was called to order by the honorable Thomas J. Drake, President of the Senate, pro tem.

The names of the Senators were called by the secretary of the Senate, and it appeared that the Senators were all present.

The names of the members of the House of Representatives were called by the clerk of the House, and it appeared that Mr. Hawley was absent without leave.

The President, after comparing the nominations of the two

houses, of a person for the office of United States senator, announced that the said nominations did not agree; whereupon,

On motion of Senator Barry,

The convention proceeded to the election of a person for the office of United States senator, for six years, from and after the 4th day of March, A. D. 1841.

The names of the Senators and members of the House of Representatives, being called, they severally rose in their places and voted, *viva voce*, as follows:

Senators.

FOR WILLIAM WOODBRIDGE,

Mr. Adam,	Mr. Fuller,	Mr. Trowbridge,	
Mr. Barry,	Mr. Gidley,	Mr. Walker,	
Mr. Edmunds,	Mr. Rice,	Mr. Witherell,	9

FOR JAMES WRIGHT GORDON,

Mr. Bridge,	Mr. Drake,	Mr. Leroy,	
Mr. Champlin,	Mr. Jones,	Mr. Murphy,	
Mr. Deming,	Mr. Lacey,		8

Representatives.

FOR WILLIAM WOODBRIDGE,

Mr. Bingham,	Mr. Mather,	Mr. Root,	
Mr. Bush,	Mr. Metcalf,	Mr. Russell,	
Mr. Clark,	Mr. Morton,	Mr. Smith,	
Mr. Coates,	Mr. Olin,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Pierce,	Mr. Stockton,	
Mr. Hammond,	Mr. Porter,	Mr. Tinney,	
Mr. Humphrey,	Mr. Redfield,	Mr. Tyler,	
Mr. Lee,	Mr. Richardson,	Mr. Walker,	
Mr. Leech,	Mr. Rogers,	Mr. Wood,	27

FOR JAMES WRIGHT GORDON,

Mr. Barlow,	Mr. Dolsen,	Mr. G. Spencer,	
Mr. Biddle,	Mr. Geddes,	Mr. Sprague,	
Mr. Brown,	Mr. Gillett,	Mr. Strong,	
Mr. Castle,	Mr. Harding,	Mr. Wilcox,	
Mr. Copeland,	Mr. Larue,	Mr. Willits,	
Mr. Daniels,	Mr. Miller,	Mr. Speaker,	18

FOR WILLIAM H. WELCH.

Mr. Renwick,		1
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FOR JAMES L. CONGER,

Mr. Lamb,		1
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It appearing that William Woodbridge had received a majority of all the votes,

The President declared him duly elected to represent this state in the senate of the United States, for six years from and after the third day of March, A. D., 1841.

On motion of Mr. Witherell, of the Senate, the convention adjourned, *sine die*.

D. W. KELLOGG,
Secretary of the Senate.

M. HOWARD,
Clerk House of Representatives.

The Senators having retired, the Speaker called the House to order, and after announcing the result of the proceedings in joint convention,

On motion of Mr. Bingham, the House adjourned.

Thursday, February 4, 1841.

The House met pursuant to adjournment.

Prayer by the Right Rev. Bishop McCoskry.

The roll being called, Messrs. Hawley and Curtis were absent without leave.

Mr. Copeland asked and obtained leave of absence for Mr. Hawley, on account of indisposition.

Mr. Bush for Mr. Curtis until Monday next.

PETITIONS.

By Mr. Renwick. Of A. M. Gould, for remuneration for certain expenses incurred as clerk of the supreme court for the second circuit. Referred to the committee on claims.

By the same. Of A. M. Gould, for services rendered as clerk of the supreme court for the second circuit. Referred to the committee on the judiciary.

By the same. The claim of A. M. Gould, for services rendered as brigade inspector for the third brigade of the Michigan militia. Referred to the committee on claims.

By Mr. M. Spencer. Of ninety-one inhabitants of Calhoun county, for the reduction of the price of university and school lands. Referred to the committee on university and school lands.

By Mr. Walker. Of one hundred and thirty-two citizens of Ionia county, that the unexpended appropriation upon the Northern railroad, be expended in making a good wagon road. Referred to the committee on internal improvement.

Mr. Richardson presented three several remonstrances of citizens of Oakland county, against any further suspension of the banks. Referred to the committee on banks and incorporations.

Mr. Biddle, from the committee on university and school lands, reported "a bill to reduce the price of university and school lands;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

The Chair announced the following message from the Senate, by their secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, February 4, 1841. }

To the Speaker of the House of Representatives :

SIR—I am directed by the Senate, to transmit to the House of representatives, "a bill to authorize the secretary of state to sell a portion of the revised statutes;" which the Senate have passed, and respectfully ask the concurrence of the House in the same.

Also, to return "a bill to amend an act entitled 'An act to provide for the destruction of wolves,' " which has passed the Senate with an amendment, in which they respectfully ask the concurrence of the House.

Also, to return to the House "a bill relative to the administration of oaths to members and officers of the legislature;" which has passed the Senate without amendment.

D. W. KELLOGG,
Secretary of the Senate.

The "bill to authorize the secretary of state to sell a portion of the revised statutes," was twice read and referred to the committee on ways and means.

And the House concurred in the amendment made by the Senate to the "bill to amend an act entitled 'An act to provide for the destruction of wolves,' " and the said bill was accordingly ordered enrolled.

On motion of Mr. Wilcox,

The House took up for consideration the joint resolutions reported by him from the committee on manufactures on the 27th ult., authorizing the governor to sign certain contracts relative to the state salt springs, &c.

The resolutions were then considered and adopted.

Mr. Hammond gave notice, that on some future day, he should ask leave to introduce "a bill to amend an act entitled 'An act to regulate internal improvement,' approved March 25, 1840."

The unfinished business of yesterday, being the motion of Mr. Metcalf to indefinitely postpone the further consideration of the resolution offered by Mr. Coates, on the 2d instant, requesting certain information from the auditor general, relative to the receipts and expenditures of the state government.

Mr. Metcalf withdrew his motion.

The resolution was then considered and adopted.

The House then took up for consideration the unfinished business of the 30th ultimo, it being the motion of Mr. Hammond to recommit the bill to the committee on the militia, with instructions to amend an act entitled "An act to organize the militia, approved April 23, 1838."

On motion of Mr. Larue, the motion to recommit was laid on the table.

On motion of Mr. Brown,

The House went into committee of the whole, on the "bill to amend an act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834," Mr. Larue in the chair.

After some time spent thereon, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. Bush, from the committee on enrolment, reported as correctly enrolled, "a bill relative to the administration of oaths to members and officers of the legislature."

Mr. Mather, from the same committee, reported as correctly enrolled, "a bill to amend an act entitled 'An act to provide for the destruction of wolves.'"

Mr. G. Spencer offered the following preamble and resolution, which were adopted:

Whereas, On the twenty-seventh day of January, A. D. eighteen hundred and forty-one, the House of Representatives of the state of Michigan, did adopt the following resolution, to wit:

“Resolved, That in pursuance of the provisions of the constitution of the United States, requiring the election of senators to the congress of the United States, by the legislatures of the several states, and in pursuance of the constitution and laws of this state, on this subject, this House will, on the first Tuesday of February next, proceed to openly nominate one person for the office of senator, to fill the vacancy which will exist in the representation of this state, in the senate of the United States, on the fourth day of March next, by the expiration of the term of service of the honorable John Norvell, on the third day of March next, and shall continue from day to day, until the House shall make said nomination.”

And whereas, By virtue of the foregoing premises, and in accordance with the same, such proceedings were had that William Woodbridge was duly nominated by said House, to fill said office of United States senator, on the third day of February, instant; *and whereas*, said House did, on the same day, meet the honorable the Senate in joint convention, to compare nominations and perfect the election of such United States senator; *and whereas*, in such joint convention, said William Woodbridge did receive a majority of all the votes given for a person to fill said office, and was declared duly elected to represent this state in the senate of the United States, for six years from and after the third day of March, A. D. eighteen hundred and forty-one, by the president of said convention. Now, therefore,

Resolved, That said William Woodbridge is duly elected United States senator, from this state, for and during six years from and after the third day of March next; and that, as a due testimonial of the choice and election aforesaid, the Speaker of this House be required to sign the proceedings as embraced in

this resolution and the foregoing preamble, and cause the great seal of the state to be affixed thereto, and deliver the same to the said William Woodbridge.

On motion of Mr. Bush, the House adjourned.

Friday, February 5, 1841.

The House met pursuant to adjournment.

Prayer by the Right Rev. Bishop McCoskry.

The roll being called, Messrs. Bingham, Coates, Daniels, Morton, Richardson, Russell and Strong, were absent without leave.

LEAVE OF ABSENCE.

Mr. Clark asked and obtained leave of absence for Mr. Bingham until Monday.

Mr. Wilcox for Mr. Daniels until Tuesday next.

Mr. Pierce for Mr. Morton until Monday next.

Mr. Walker for Mr. Richardson until Monday next.

Mr. Smith for Mr. Russell until Saturday next.

The journal of yesterday having been read, Mr. Smith moved that it be amended by striking out, after the report of the absentees, the words "without leave;" which motion did not prevail.

PETITIONS.

By Mr. Metcalf. Of citizens of the state, for the passage of a law regulating the flowing of lands by mill dams. Referred to the committee on the judiciary.

By Mr. Renwick. Of Erastus Ingersoll, for leave to build a dam across Grand river, in Eaton county. Referred to the committee on roads and bridges.

By Mr. Hammond. Of seventy-one inhabitants of Union and Girard, Branch county, for a reduction of the price of university and school lands. Laid on the table, a report having been made on the subject.

By Mr. Hawley. Of inhabitants of town three south, of range two east, for the division of a certain township. Referred to the committee on towns and counties.

• By Mr. Bush. Of inhabitants of the township of Jena, Livingston county, for a change in the name of said township. Referred to the committee on towns and counties.

By Mr. Pierce. Of John Prentiss, for the allowance of a certain claim. Referred to the committee on claims.

By Mr. Sprague. Of inhabitants of Macon, Lenawee county, for a division of said township. Referred to the committee on towns and counties.

Mr. Metcalf presented the claim of C. M. D. Bull, for services rendered the committee on internal improvement. Referred to the committee on internal improvement.

REPORTS.

Mr. Porter, from the committee on the judiciary, to which was referred the petition of inhabitants of Oakland county, for the legalization of a certain road tax in the town of Rose, reported adversely to the prayer of said petitioners; and on his motion, the committee were discharged from its further consideration.

Also, from the same committee, to which was referred a resolution of inquire into the expediency of amending the existing laws relative to the recording or registering of conveyances, reported "a bill amendatory to 'An act relating to the conveyance of real estate,' approved April 1, 1840;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Also, from the same committee, to which was referred so much of the governor's message as refers to the annual report of the acting superintendent of Indian affairs for Michigan, reported "a bill to provide for the protection of Indians, and for other purposes;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Also, from the same committee, to which was referred the petition of inhabitants of St. Clair county, for the disfranchisement of persons who shall bet upon the result of elections, reported adversely to the same, it being unconstitutional; and on his motion, the committee were discharged from any further consideration of the subject.

Also, from the same committee, to which was referred the petition of inhabitants of St. Clair county, for the passage of a law preventing extensive dealers in provisions, or other articles, from being appointed inspectors thereof, reported "a bill amendatory to part one, title seven, chapter one of the revised statutes, relative to the inspection of provisions and other merchandize;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Also, from the same committee, to which was referred the petition of inhabitants of Phelpstown, Ingham county, relative to unpaid highway taxes, reported adversely to the object of the same, and upon his motion the committee were discharged from the further consideration of the subject.

Mr. Porter, from the committee on banks and incorporations, to which was referred "a bill to regulate the business of brokers and exchange dealers," reported the same back to the House with sundry amendments, and recommended its passage.

Mr. Hammond, from the committee on the judiciary, to which was referred the petition of Seneca Hale, reported "a bill declaring the election of Seneca Hale, a commissioner of the county of Lenawee, valid;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Also, from the same, to which was referred two resolutions inquiring into the expediency of further legislation in reference to the voluntary dissolution of corporations, and the duties of receivers in chancery in certain cases, reported "a bill to amend an act entitled 'An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes;'" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Larue, from the committee on claims, to which was referred the claim of Collins, Keese & Co., for books furnished the geological department, reported the following joint resolutions:

Resolved by the Senate and House of Representatives of the State of Michigan, That the state geologist be, and he is hereby authorized and directed, to pay out of any money in the treasury of this state, standing to the credit of the "state geological survey," to Collins, Keese & Co., of New York city, the sum of six hundred and sixty-four dollars and fifty-five cents, a balance due them for books furnished the geological department, by order of governor Mason, in the year 1837 and 1838, and now in the hands of the state geologist.

Resolved, That the clerk of the House of Representatives be directed to transmit to the state geologist, a copy of the foregoing resolution.

Which resolutions, in accordance with the rule, were laid on the table for one day.

Mr. Walker, from the committee on education, to which was reëmmitted the "bill amendatory to 'An act to amend the revised statutes relative to primary schools,' approved April 1, 1840," reported a substitute therefor; which substitute was referred to the committee of the whole, and placed on the general order.

Also, from the same committee, to which was referred certain joint resolutions of the Senate, relative to the returns of children and others using foreign languages, reported that similar provisions were incorporated in the foregoing bill; and,

Upon his motion, the committee were discharged from their further consideration, and the resolutions were ordered to be laid on the table.

Mr. Larue, from the committee on claims, to which was referred the claim of Thomas Colley, against the commissioner of the state prison, reported the same back to the House; and, on his motion, the committee were discharged from its further consideration, and leave granted to claimant to withdraw his said claim.

Mr. Copeland, from the committee on towns and counties, to which was referred the several petitions of inhabitants of Clyde, St. Clair county; of inhabitants of Vermontville, Eaton county; of inhabitants of Woodhull, Shiawassee county; of inhabitants of town seven north, of range eleven east; of

inhabitants of Barry county; of inhabitants of town four south, nine and ten west; and of inhabitants of Branch county, for the organization of certain townships, reported the same back to the House, and adversely to the prayers of the said petitioners, the notice required by law not having been duly given; and,

Upon his motion, the committee was discharged from their further consideration.

Mr. Barlow, from the committee on banks and incorporations, moved the adoption of the following resolution:

Resolved, That the committee on banks and incorporations, to which was referred the petition of inhabitants of Calhoun county, relative to the issuing of shiplasters by the corporation of the city of Detroit, have power to send for persons and papers in reference thereto.

And the said resolution was then adopted.

Mr. G. Spencer, from the committee on the judiciary, to which was referred the petition of the county commissioners of Allegan county, for the passage of a law authorizing counties to bid in lands sold for taxes, reported adversely to the same, sufficient power already existing with the county commissioners; and,

Upon his motion, the committee was discharged from the further consideration of the subject.

The Chair announced a communication from the president of the board of internal improvement, in reply to the resolution adopted on the 21st ultimo, respecting the Detroit and Pontiac railroad; which communication was ordered to be laid on the table.

Also, a communication from the same, in reply to a resolution adopted on the 19th ultimo, requesting information respecting the cost of continuing certain works of internal improvement.

On motion of Mr. Walker,

The communication was laid on the table and ordered printed.

(*See Document, No. 33.*)

On motion of Mr. Castle,

The vote discharging the committee on towns and counties from the further consideration of the petition of inhabitants of Woodhull, Shiawassee county, for a division of said township, was reconsidered; and, on his motion, the motion to discharge the committee, was then laid on the table.

On motion of Mr. Harding,

Resolved, That the committee on ways and means be directed to inquire into the expediency of abolishing the specific state taxes now imposed by law upon merchants and other traders, and to report by bill or otherwise.

Mr. Renwick gave notice, that he should, on some future day, bring in a bill to permit Ezekiel J. Mare and others, to use a certain portion of the state lands, in the township of Saline, for the constructing of a mill race.

Mr. Hammond, pursuant to previous notice, obtained leave to introduce "a bill to amend an act entitled 'An act to regulate internal improvement,' approved March 25, 1840;" which bill was twice read and referred to the committee on internal improvement.

The following bills were then read a third time and passed:

"A bill (No. 7,) to authorize the building of a certain dam therein named;" "a bill (No. 11,) to authorize the building of a certain dam therein named."

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the "bill declaring the election of Seneca Hale, as a county commissioner of the county of Lenawee, valid." and the same was taken up for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Hammond,

The twenty-second rule, requiring the second and third reading of bills to be on different days, was suspended; and the said bill was then read a third time and passed.

On motion of Mr. G. Spencer,

The House went into committee of the whole on the "bill to amend an act, entitled 'An act to incorporate the village of

Ypsilanti,' and the act or acts amendatory thereof;" Mr. Walker in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments; which were concurred in, in gross.

The bill being under consideration,

On motion of Mr. Bush,

It was further amended by striking out all after the word "electors," in the fifth line, to the word "residing," in the sixth line, and by striking out of the eighth line, the words "being freeholders and." The bill was then ordered engrossed for a third reading.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Friday, February 5, 1841. }

To the Speaker of the House of Representatives :

SIR—I am directed by the Senate to return to the House of Representatives, a "bill to amend an act, entitled 'An act for the relief of Ottawa county, and for other purposes,'" which has passed the Senate with an amendmet, in which they respectfully ask the concurrence of the House.

Also, a joint resolution relative to the furnishing certain data to the state geological department, which has passed the Senate without amendment.

Also, to transmit "a bill to incorporate the Ebenezer institute of Genesee county," which the Senate have passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,

Secretary of the Senate.

The House concurred in the amendment made by the Senate to the "bill to amend an act, entitled 'An act for the relief of Ottawa county, and for other purposes,'" and the bill was accordingly ordered enrolled.

The bill to incorporate the Ebenezer institute of Genesee county, was twice read and referred to the committee on education.

On motion of Mr. Stockton, the House adjourned.

Saturday, February 6, 1841.

The House met pursuant to adjournment.

Prayer by the Right Rev. Bishop McCoskry.

The roll being called, Messrs. Geddes, Hammond, Redfield, Russell, Sprague and Wilcox, were absent without leave.

LEAVE OF ABSENCE.

Mr. Rogers asked and obtained leave of absence for Messrs. Geddes, Sprague and Wilcox, until Tuesday next.

Mr. M. Spencer for Messrs. Hammond and Redfield, until Tuesday next.

PETITIONS.

By Mr. Walker. Of one hundred and sixteen inhabitants of the county of Ottawa, for the removal of the county seat of said county, to the town of Norton. Referred to the committee on towns and counties.

By Mr. Castle. Two several petitions of inhabitants of Oakland, Genesee and Livingston counties, for the organization of a new county. Referred to the committee on towns and counties.

By Mr. Barlow. Of John Starkweather and others, for the passage of a law appointing commissioners to lay out a state road from Marshall, in Calhoun county, to Charlotte, in Eaton county. Referred to the committee on roads and bridges.

By Mr. Castle. Of inhabitants of Oakland and Genesee counties for the appointment of commissioners to lay out a certain state road. Referred to the committee on roads and bridges.

By Mr. Harding. Of school inspectors of the city of Detroit, for the passage of a law authorizing the appointment of a director for school district number eight, in said city. Referred to the committee on education.

REPORTS.

Mr. G. Spencer, from the committee on the judiciary, to which was referred the Senate "bill to repeal a certain part of the revised statutes," reported the same back to the House, without amendment, and recommended its passage; the same

was referred to the committee of the whole, and placed on the general order.

Mr. Lamb, from the committee on agriculture, reported "a bill to encourage the growth and manufacture of silk;" also, "a bill to encourage the growth of fruit trees;" both of which bills were twice read, referred to the committee of the whole, and placed on the general order.

The Chair announced a communication from the auditor general, in reply to a resolution adopted on the 21st ult., respecting the expenses of the special committee appointed to investigate the affairs of the several boards of internal improvement; which communication,

On motion of Mr. Walker,

Was laid on the table and ordered printed.

(See Document, No. 84.)

On motion of Mr. G. Spencer,

Resolved, That the state treasurer be, and he is hereby requested to report to this House, whether the several banks in this state, have paid, during the past year, a yearly tax to this state, as required by part one, title five, chapter eight of the revised statutes, entitled "of specific taxes;" and if not, whether any proceedings have been instituted for the collection of the same; and also, the reason therefor, provided no such proceedings have been instituted; together with such other general information on the subject, as he may deem proper.

Mr. Walker, pursuant to previous notice, asked and obtained leave to introduce "a bill to legalize certain taxes in the county of Ionia;" which bill was twice read, and referred to the committee on the judiciary.

On motion of Mr. Walker,

The House went into committee of the whole on the "bill to amend section two of chapter six, title two, part one, of the revised statutes," Mr. Coates in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with an amendment, which was concurred in by the House.

The bill was then ordered to a third reading.

On motion of Mr. Walker,

The 22d rule, requiring the second and third reading of bills to be on different days, was suspended.

The said bill was then read a third time and passed.

The title of said bill being under consideration,

On motion of Mr. Harding,

The same was amended by adding the words following, to wit: "relative to district canvass." The title, as amended, was then adopted.

On motion of Mr. G. Spencer,

The committee of the whole was discharged from the further consideration of the Senate "bill to repeal a certain part of the revised statutes," and the same was taken up for consideration; and the bill was then ordered to a third reading.

On motion of Mr. G. Spencer,

The 22d rule was suspended; and the said bill was read a third time and passed.

On motion of Mr. Larue,

The House took up the joint resolutions reported yesterday, by the committee on claims, in favor of the claim of Collins, Keese & Co.

The resolutions were then considered and adopted.

On motion of Mr. Castle,

The House took up from the table, the "bill to authorize townships to remit certain fines therein named." The said bill being under consideration,

Mr. Castle offered a substitute therefor, entitled "a bill for the relief of Humphrey Wheeler," which was twice read; and,

On motion of Mr. Castle,

The bill and substitute were both referred to the committee of the whole, and placed on the general order.

Mr. Coates moved a reconsideration of the vote just taken, which motion did not prevail.

On motion of Mr. Biddle,

The House went into committee of the whole, on the "bill to reduce the price of university and school lands," Mr. Porter in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Brown,

The House went into committee of the whole on the "bill to provide for the compensation of township collectors," Mr. Pierce in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of said bill; and,

On his motion, it was recommitted to the committee on the judiciary.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, February 6, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the instructions of the Senate, I transmit to you "a joint resolution relative to the reception of bank notes for taxes and other public dues, by the state treasurer," and am directed to inform you, that the Senate have passed the same, and respectfully ask the concurrence therein, of the House of Representatives.

D. W. KELLOGG,

Secretary of the Senate.

And the resolution transmitted by the above message, was twice read and referred to the committee on ways and means.

On motion of Mr. Walker, the House adjourned.

Monday, February 8, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, Messrs. Dolsen, Leech, Morton, Renwick, Richardson, Rogers, Root, Russell and G. Spencer, were absent without leave.

LEAVE OF ABSENCE.

Mr. Smith asked and obtained leave of absence for Mr. Russell, for one day.

Mr. Pierce for Mr. Rogers, for the same.

PETITIONS.

By the Speaker. Eight several petitions of inhabitants of Monroe, Lenawee, Hillsdale, Branch and St. Joseph counties, for a just and equal appropriation for completing the Southern railroad. Referred to the committee on internal improvement.

By Mr. Tyler. Of citizens of the state, for the passage of a law regulating the damages occasioned by the flowing of mill ponds. Referred to the committee on the judiciary.

By Mr. Lamb. Of the county officers of Lapeer county, for a change in the judiciary system of this state. Referred to the committee on the judiciary.

By Mr. Curtis. Of P. W. C. Gates and C. S. Hooker, for the passage of a law authorizing a minor to convey real estate. Referred to the committee on the judiciary.

By Mr. Willits. Of inhabitants of Moscow, Hillsdale county, relative to highways. Referred to the committee on roads and bridges.

By Mr. Walker. Of citizens of Kent county, for relief to settlers on university and school lands. Referred to the select committee on university and school lands.

By the same. Of inhabitants of Cortland, Kent county, for the legalization of certain acts of the highway commissioners of that town. Referred to the committee on the judiciary.

By Mr. Miller. Of inhabitants of Richland, Kalamazoo county, for a further suspension of specie payments by the banks. Referred to the committee on banks and incorporations.

By Mr. Coates. Of inhabitants of Oakland county, against granting any further suspension of specie payments to the banks. Referred to the committee on banks and incorporations.

By the Speaker. Of inhabitants of Monroe county, for the reduction of the price of university and school lands, and an ex-

tension of time for the payment of principal and interest on said lands.

By Mr. Larue. Of inhabitants of Berrien county, for the reduction of the price of school lands, as well those sold as those yet unsold.

By Mr. Tyler. Of inhabitants of St. Joseph county, for a reduction of the price of university lands; which petitions were severally laid on the table, report having been made upon the subject.

Mr. Harding presented the claim of G. W. Howe, for services rendered the state in 1838. Referred to the committee on claims.

Also, the claim of Alexander H. Newbould, against the state prison at Jackson. Referred to the committee on claims.

Mr. Brown presented the claim of the estate of V. B. Schuyler, for stationery furnished the court of chancery.

Also, that of the same, for stationery furnished the supreme court. Both referred to the committee on claims.

Mr. Olin presented the petition of citizens of Calhoun county, for an exemption from levy and sale on execution, of certain property. Referred to the committee on the judiciary.

Also, of citizens of Calhoun and Eaton counties, for a state road. Referred to the committee on roads and bridges.

Mr. Coates presented the proceedings of a meeting held in Detroit, at the city hall, on the first day of February instant, relative to the Wayne county election; which having been partly read,

Mr. Pierce moved that its further reading be dispensed with, and that its further consideration be indefinitely postponed; which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Copeland,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,

Mr. Pierce,
Mr. Porter,
Mr. Strong,
Mr. Tyler,
Mr. Willits,
Mr. Speaker,

19

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,

Mr. Curtis,
Mr. Lee,
Mr. Olin,

Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,

10

The House excused Messrs. Walker and Wood from voting on this question.

The Chair announced a communication from the state geologist, transmitting a skeleton map of the several counties of this state, for the use of the committee on apportionment; which communication and map were referred to the committee on apportionment.

Also, a communication from the state geologist, in reply to a resolution calling for information relative to the state and county maps now in progress of execution in that department; which communication, after being read,

On motion of Mr. Coates,

Was laid on the table, and ordered printed.

(*See Document, No. 35.*)

On motion of Mr. Metcalf,

The communication from the acting commissioner of internal improvement, relative to the cost of the prosecution of certain works of internal improvement, and laid on the table on the 5th instant, was referred to the committee on internal improvement.

The Chair also announced a special message from the executive, on the subject of the currency, and transmitting certain communications from the officers of the Bank of Michigan, on that subject. The message and accompanying documents having been read,

On motion of Mr. Larue,

They were laid on the table and ordered printed.

(*See Document, No. 36.*)

On motion of Mr. Larue,

Resolved, That the committee on internal improvement be requested to report to this House, forthwith, if prepared so to do; and if not prepared, then that the chairman of said com-

mittee be requested to state the reasons of the delay, and when, in his opinion, the committee will be able to report.

On motion of Mr. Smith,

The House took up for consideration the resolution laid on the table on the 26th ult., instructing the committee on banks and incorporations to institute certain inquiries relative to the Michigan insurance company.

The same was, by consent, again laid on the table.

On motion of Mr. Brown,

The House again went into committee of the whole on the "bill to amend an act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834;" Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments, and asked to be discharged from its further consideration. The committee was accordingly discharged; and,

On motion of Mr. Harding,

The said bill was recommitted to the committee on the judiciary.

On motion of Mr. Castle,

The committee of the whole was discharged from the further consideration of the "bill to obviate the illegality of certain acts of the commissioners of highways of the township of Sena, in the county of Clinton, in this state; and, on his motion, said bill was laid on the table.

On motion of Mr. Bush,

The House went into committee of the whole, on the "bill amendatory to 'An act relative to highway taxes,' approved March 20, 1840;" Mr. Copeland in the chair.

After some time spent thereon, the committee rose, reported progress, and asked and obtained leave to sit again.

Mr. Bush, from the committee on enrolment, reported as correctly enrolled, "An act to amend an act entitled 'An act for the relief of Ottawa county, and for other purposes.'"

Also, "a joint resolution directing the board of internal im-

provement to furnish certain data for the use of the state geological department."

Mr. Larue offered a preamble and resolution requesting the committee on internal improvement, to report on Wednesday next; pending which,

On motion of Mr. Hawley, the House adjourned.

Tuesday, February 9, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, Messrs. Drew, Rogers, Root and Sprague were absent without leave.

Mr. Wilcox asked and obtained leave of absence for Mr. Sprague, for one day.

PETITIONS.

By the Speaker. Four several petitions of the inhabitants of Monroe, Lenawee, Hillsdale, Branch and St. Joseph counties, for a just and equal appropriation for completing the Southern railroad. Referred to the committee on internal improvement.

By Mr. Larue. Of Wm. Dougherty and others, for a reduction of the price of university lands.

By Mr. Redfield. Of citizens of Cass county, for a reduction of the price of university and school lands. Both of which petitions were laid on the table, a report having been made upon the subject.

By Mr. Biddle. Of Jonathan Kearsley, for compensation for services as commissioner to settle with the Michigan State bank. Referred to the committee on claims.

Mr. Geddes presented the account of Thomas Hall, and of Williams and Cole, for services rendered the state. Referred to the committee on accounts.

Mr. Harding presented the claim of J. H. Titus, for services, &c., rendered the state. Referred to the committee on claims.

The Speaker presented the proceedings of a meeting at Al-

legan, asserting the constitutional right of that county to a member of the legislature. Referred to the committee on the judiciary.

REPORTS.

Mr. Renwick, from the committee on ways and means, to which was referred the Senate "bill to authorize the secretary of state to sell a portion of the revised statutes," reported the same back to the House with an amendment. And the bill was then referred to the committee of the whole and placed on the general order.

Mr. Walker, from the committee on education, to which was referred the Senate "bill to incorporate the Ebenezer institute of Genesee county," reported the same back to the House, and asked to be discharged from its further consideration. The committee was accordingly discharged; and,

On motion of Mr. Walker,

The said bill was referred to the committee on banks and incorporations.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, February 8, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House of Representatives, "a bill to prescribe the powers and duties of justices of the peace in civil proceedings," which the Senate have passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

And the "bill to prescribe the powers and duties of justices of the peace in civil proceedings," was twice read and referred to the committee on the judiciary.

RESOLUTIONS AND NOTICES.

On motion of Mr. Stockton,

Resolved, That the board of internal improvement be requested to report to this House,

First. The number of persons employed in the engineer department on the Clinton and Kalamazoo canal;

Second. The amount of compensation allowed to each person thus employed.

Third. The total amount paid for engineering on said canal, from the 1st of May, 1840, to the 31st January, 1841.

On motion of Mr. Strong,

Resolved, That the committee on manufactures, be instructed to inquire into the expediency of encouraging the manufacture of domestic linen, cotton and woollen cloths, by allowing a small premium to be deducted from the annual tax of the manufacturer, and that said committee be requested to report by bill or otherwise.

Mr. Mather offered the following resolution:

Resolved, That the clerk be instructed to procure the printing of four hundred extra copies of the governor's message, and accompanying documents, presented on the 8th instant, for the use of the members of this House.

Which resolution was rejected by the following vote:

YEAS.

Mr. Curtis,
Mr. Mather,

Mr. Olin,

Mr. Stockton,

4

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Copeland,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,

Mr. Richardson,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

40

Mr. Barlow gave notice of his intention, on some future day, to ask leave to introduce a bill, entitled an act further to amend chapter one, part one of the revised statutes, entitled "of religious societies."

Mr. M. Spencer gave notice of his intention to ask leave to introduce a bill to revive and continue in force, "An act to exempt grain while growing, and other unharvested crops, from sale under execution, approved April 1, 1840."

The House took up for a third reading, the "bill to amend an act, entitled 'An act to incorporate the village of Ypsilanti,' and the act or acts amendatory thereof;" and the bill having been read a third time,

On motion of Mr. G. Spencer,

And by general consent, the said bill was further amended in the 19th section, by striking out all after the word "compensation," in the fourth line.

The said bill was then passed by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Porter,
Mr. Biddle,	Mr. Humphrey,	Mr. Renwick,
Mr. Brown,	Mr. Lamb,	Mr. Russell,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Clark,	Mr. Lee,	Mr. Stockton,
Mr. Coates,	Mr. Mather,	Mr. Strong,
Mr. Copeland,	Mr. Metcalf,	Mr. Tyler,
Mr. Dolsen,	Mr. Miller,	Mr. Walker,
Mr. Geddes,	Mr. Morton,	Mr. Wilcox,
Mr. Gillett,	Mr. Olin,	Mr. Willits,
Mr. Hammond,	Mr. Pierce,	

32

NAYS.

Mr. Bingham,	Mr. Curtis,	Mr. M. Spencer,
Mr. Bush,	Mr. Leech,	Mr. Speaker,

6

On motion of Mr. Castle,

The House went into committee of the whole, on the "bill to provide for the laying out of certain state roads, and for other purposes;" Mr. Bush in the Chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments, which were concurred in, collectively.

The bill was then ordered to be engrossed for a third reading.

Mr. Walker moved that hereafter the House have two sessions each day; which motion did not prevail.

Mr. Geddes moved that when the House adjourns, it adjourn

to meet to-morrow morning at nine o'clock; which motion did not prevail.

Mr. Bush, from the committee on enrolment, reported as correctly enrolled, "An act to repeal a certain part of the revised statutes, entitled 'of fees.'"

On motion, the House adjourned.

Wednesday, February 10, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, Mr. Rogers was absent without leave.

PETITIONS.

By Mr. Hammond. Of sixty-five citizens of Detroit, asking that the right of trial by jury, may be secured to all persons claimed as slaves, or whenever personal liberty shall be involved in any trial. Referred to the committee on the judiciary.

By the Speaker. Of inhabitants of Monroe, Lenawee, Branch, Hillsdale, and St. Joseph counties, for an equal and just appropriation upon the Southern railroad. Referred to the committee on internal improvement.

By Mr. Larue. Of citizens of Berrien county, settlers on university lands, for relief. Referred to the select committee on university and state lands.

By Mr. Walker. Of Arial Hilton, a settler on university lands, for relief. Referred to the same committee.

By Mr. Sprague. Of inhabitants of the township of Macon, Lenawee county, for a division of that township. Referred to the committee on towns and counties.

Mr. Hammond presented two several claims of Peter P. Ferry; which were severally referred to the committee on claims.

Mr. Harding presented the claim of J. H. Titus, for work done on state prison in 1838. Referred to the committee on claims.

REPORTS.

Mr. G. Spencer, from the committee on the judiciary, to

which was referred the petition of the county commissioners of Ionia county, for the legalization of a certain tax therein named, and the bill upon the same subject, reported adversely to the objects of said petition and bill; and asked to be, and the committee was discharged from their further consideration; and

The bill was referred to the committee of the whole, and placed on the general order.

Also, from the same committee, to which was referred sundry petitions of citizens of this state, for an alteration of the law relative to defining the damages caused by the flowing of lands by mill dams, reported that in the opinion of the committee, no further legislation upon the subject was expedient; and,

Upon his motion, the committee were discharged from the further consideration of the same.

Also, from the same committee, to which was referred the petition of citizens of Calhoun county, that certain property therein named, may be exempted from levy and sale under execution, reported that no further legislation upon the subject was deemed expedient by the committee; and,

On his motion, the committee were discharged from its further consideration.

Mr. Wilcox, from the committee on manufactures, to which was referred the petition of W. W. McLowth, for a premium on silk manufactured in this state; reported adversely to the prayer of the petitioner; and asked and obtained a discharge from the further consideration of the same.

Mr. Richardson, from the committee on the judiciary, which was instructed by a resolution, "to inquire into the expediency of so amending chapter three, title three, part one of the revised statutes, 'relative to judges of probate,' so as to require the office of said judge to be holden at the county site of each organized county in the state," reported, as the opinion of the committee, that the said amendment was not expedient; and asked to be, and the committee was discharged from its further consideration.

Mr. Harding, from the same committee, to which was referred the "bill to alter the terms of the court of chancery in the fourth and fifth circuits," reported the same back to the House and recommended its passage.

The said bill was referred to the committee of the whole, and placed on the general order.

Mr. Walker, from the same committee, to which was referred the petition of the county officers of Clinton county, and that of the county officers of Genesee county, relative to a certain tax of 1838, therein named, and a remonstrance from the county officers of Shiawassee county, upon the same subject, reported the same back to the House, and asked to be discharged from their further consideration; the committee doubting the constitutionality and expediency of legalizing illegal taxes; and the committee was accordingly discharged from the further consideration of the subject.

Mr. Renwick, from the committee on ways and means, to which was referred the joint resolution from the Senate, "relative to the reception of bank notes for taxes and other public dues, by the state treasurer," reported the same back to the House, and recommended its passage; and

The committee, upon his motion, was discharged from the further consideration of the same.

Mr. Lamb, from the committee on agriculture, which was instructed by a resolution, "to inquire into the propriety of granting a premium on wool grown in this state," reported adversely to the propriety of such a grant; and,

On his motion, the committee was discharged from the further consideration of the subject.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, February 9, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate, to transmit to the House of Representatives, "a bill to incorporate the trustees of the Wesleyan seminary, at Albion;" also, "a bill relative to postponing sales by sheriffs and other officers;" both of which the

Senate have passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

The "bill relative to postponing sales by sheriffs and other officers," was twice read and referred to the committee on the judiciary.

And the "bill to incorporate the trustees of the Wesleyan seminary at Albion," was twice read and referred to the committee on banks and incorporations.

Also, the following message from the Senate:

SENATE CHAMBER,
Tuesday, February 9, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate; to return to the House of Representatives, "a bill to amend sections ten and eleven, chapter two, title three, part one of the revised statutes," which the Senate have passed with amendments, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

And the amendments of the Senate to the "bill to amend sections ten and eleven, chapter two, title three, part one of the revised statutes," were then concurred in by the House.

Also, the following message from the Senate:

SENATE CHAMBER,
Tuesday, February 9, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the direction of the Senate, I transmit herewith, "a bill to amend part three, title three, chapter one, section seven of the revised statutes;" "a bill to amend chapter three, title three, part one of the revised statutes, 'relative to prosecuting attorneys;'" and "a bill to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys," all of which the Senate have passed respectively, and respectfully ask the concurrence of the House of Representatives.

I am further instructed by the Senate, to return the House

“joint resolution relative to the claim of Collins, Keese & Co., for books furnished the geological department,” which the Senate have passed with amendments, and respectfully request the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

The bills transmitted by the above message, were twice read and referred to the committee on the judiciary.

And the House concurred in the amendments made by the Senate to the “joint resolution relative to the claim of Collins, Keese & Co.,” &c.

The Chair announced a communication from the commissioners to settle with the Michigan state bank, transmitting their report in relation thereto.

On motion of Mr. Bingham,

The communication and accompanying report were laid on the table and ordered printed.

(*See Document, No. 37.*)

The Chair announced a special message from the executive, transmitting the annual report of the Erie and Kalamazoo railroad company; which message and accompanying report were referred to the committee on banks and incorporations.

RESOLUTIONS AND NOTICES.

Mr. Walker offered the following resolution:

Resolved, That on and after Monday next, that this House have two sessions each day; which resolution,

On motion of Mr. Hammond, was laid on the table.

Mr. Bingham offered the following resolution; which, by his consent, was laid on the table:

Resolved, That the auditor general, in allowing and paying the accounts of the state printer, except those for which special appropriations were made, exercised a power unauthorized by the laws, expressly forbid by the constitution, without a precedent in the history of this state, and calculated to excite alarm, as taking from the legislature that supervisory care over the treasury, which is always expected from the representatives of the people.

Mr. Hammond offered the following resolution, which, by his consent, was laid on the table:

Resolved, That so much of the auditor general's report to the Senate, under date of February 4, 1841, (see *Senate document*, No. 26,) as sets forth the payments made by him for state printing, be referred to the attorney general, with a request that he communicate, as soon as practicable, his opinion of the legality of said payments, in whole or in part, stating as fully as may be, his reasons, for or against the same.

Mr. Smith offered the following preamble and resolution, which, by his consent, was laid on the table:

Whereas, By a joint resolution of the legislature of Michigan, approved January 29, 1838, the attorney general of this state was directed to commence and perfect certain official proceedings against the Huron bridge company; *and, whereas*, by a resolution of this House, passed January 9, 1841, said attorney general was directed to report why the first named resolution had not been obeyed; *and, whereas*, so far as is known to this House, neither of said resolutions have been obeyed; therefore,

Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire and report to this House, the most efficient mode of inducing obedience to the above named resolutions, at the earliest day practicable.

On motion of Mr. Wilcox,

The House went into committee of the whole, on the "bill to incorporate the Saline manufacturing company of the county of Washtenaw;" also, again, on the "bill to reduce the price of university and school lands;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose, reported progress and asked and obtained leave to sit again.

On motion of Mr. Richardson, the House adjourned.

Thursday, February 11, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, Mr. Rogers was absent without leave.

PETITIONS.

By Mr. Speaker. Of inhabitants of Monroe, Lenawee, Hillsdale, Branch and St. Joseph counties, for a fair and equal appropriation for the Southern railroad. Referred to the committee on internal improvement.

By Mr. Metcalf. Of sundry citizens on the subject of the flowing of lands by mill ponds. Laid on the table, a report having been made upon that subject.

By Mr. Coates. Of William Daniels, relative to the resumption of specie payments by the banks. Referred to the committee on banks and incorporations.

By Mr. Bush. Of citizens of Ingham and Ionia counties, for the establishment of a state road. Referred to the committee on roads and bridges.

By Mr. Barlow. Of Erastus Ingersoll, for the passage of a law authorizing inhabitants of Oneida, Eaton county, to raise money to build a bridge. Referred to the committee on roads and bridges.

By Mr. Barlow. Of inhabitants of Eaton county, for the organization of a new township. Referred to the committee on towns and counties.

By Mr. Larue. Of James Kennedy, a settler on university lands, for relief. Referred to the select committee upon that subject.

Mr. Miller presented the remonstrance of inhabitants of Climax, Kalamazoo county, against the annexation of a portion of the township of Charleston, to that township. Referred to the committee on towns and counties.

Mr. Harding presented the claim of Samuel Cowles, for work done on the state prison. Referred to the committee on claims.

REPORTS.

Mr. Castle, from the committee on roads and bridges, to

which was referred sundry petitions from inhabitants of Tompkins, Jackson county, for the alteration of a certain state road, reported adversely to the prayer of the petitioners; and, upon his motion, the committee were discharged from the further consideration of the subject.

Also, from the same committee, to which was referred the petition of inhabitants of Kent, Ionia and Livingston counties, for the laying out of a certain state road, and for the application of certain non-resident taxes, for that purpose, reported the same back to the House, and asked to be discharged from its further consideration.

The committee were accordingly discharged.

Mr. M. Spencer offered the following resolution:

Resolved, That the attorney general of this state be, and is hereby requested to inform this House, at his earliest convenience, the amount, nature and sufficiencies, of the securities furnished the state, by the Pontiac railroad company, for the sum obtained from the state. And, also, inform this House, whether any prior valid claims exist against said railroad, other than the state; and why a sale of the said railroad and appurtenances, under the mortgage executed to the state, for the better security of the aforesaid loan, has not been made upon the default of said company in paying the interest on said loan.

Mr. Richardson moved to amend the same, by adding the following:

“And also, his opinion of the propriety of the state becoming the purchaser of said road, under the mortgage to the state, or otherwise;” which amendment did not prevail.

The resolution was then adopted.

The Chair announced a communication from the attorney general, in reply to the resolution adopted on the 9th ultimo, requiring certain information relative to the Huron river bridge company; which communication,

On motion of Mr. Smith,

Was referred to the committee on the judiciary.

Mr. Barlow, pursuant to previous notice, asked and obtained leave to introduce “a bill entitled ‘An act further to amend

chapter one, title ten, part one of the revised statutes, entitled 'of religious societies.' ' ' "

On motion of Mr. Wilcox,

The House again went into committee of the whole, on the "bill to incorporate the Saline manufacturing company, of the county of Washtenaw;" also, on the "bill to reduce the minimum price of university and school lands;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose and reported back the "bill to incorporate the Saline manufacturing company, of the county of Washtenaw," with sundry amendments, and asked the concurrence of the House in the same.

On motion of Mr. Hammond,

The motion of concurrence was laid on the table.

The committee also reported progress on the "bill to reduce the minimum price of the university and school lands," asked and obtained leave to sit again.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Thursday, February 11, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives, "a bill to amend chapter five, title four, part three of the revised statutes, 'relating to proceedings in replevin;' " and, "a bill to reduce the minimum price of university and school lands, and for the relief of certain purchasers thereof."

Both of which the Senate have passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

The "bill to amend chapter five, title four, part three of the revised statutes, 'relating to proceedings in replevin,' " was twice read, and referred to the committee on the judiciary.

And the "bill to reduce the minimum price of university and school lands," &c., was twice read, and referred to the

same committee of the whole, as the House bill on that subject.

Mr. Bush, from the committee on enrolment, reported as correctly enrolled, "An act to amend sections ten and eleven, chapter two, title three, part one of the revised statutes;" also, "a joint resolution relative to the claim of Collins, Kéese & Co., for books furnished the geological department."

On motion of Mr. Redfield, the House adjourned.

Friday, February 12, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, the same members were present as yesterday.

PETITIONS.

By the Speaker. Of Asaph Teall and Henry Straight, for services rendered in the Toledo war. Referred to the committee on claims.

By Mr. Larue. Of citizens of Berrien county, for the reduction of the price of university land; laid on the table, a report having been made on the subject.

By Mr. Clark. Of citizens of Oakland county, against a further suspension of specie payments by the banks. Referred to the committee on banks and incorporations.

By Mr. Castle. Of inhabitants of Mundy, Genesee county, for the organization of a new township. Referred to the committee on towns and counties.

By Mr. Olin. Of inhabitants of Calhoun county, against a further suspension of specie payments by the banks. Referred to the committee on banks and incorporations.

By Mr. Larue. Of Noah Brookfield and Josiah Pidge, settlers on state lands, for relief. Referred to the select committee on that subject.

By Mr. Redfield. Three several petitions of inhabitants of Cass county, relative to the abolition of certain township offices. Referred to the select committee on town officers.

Mr. Olin presented the claim of J. M. Chase, for services in the auditor general's office. Referred to the committee on claims.

Mr. Castle presented, also, the claim of William H. Edwards, for services as sergeant-at-arms, of the House of Representatives. Referred to the same committee.

Mr. Daniels presented three several petitions of inhabitants of Monroe, Lenawee, Hillsdale, Branch and St. Joseph counties, for a fair and equal appropriation on the Southern railroad; laid on the table, a report having been made on that subject.

Mr. Coates presented the petition of citizens of Oakland county, that the citizens of the state may be placed in the same situation as the banks, relative to suspension of the payment of debts. Referred to the committee on banks and incorporations.

REPORTS.

Mr. Metcalf, from the committee on internal improvement, to which was referred a joint resolution relative to a suspension of proceedings by the board of appraisers on the public works, reported the following as a substitute therefor:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of appraisers appointed under "An act entitled 'An act to regulate the internal improvements,' approved March 25, 1840," be directed to suspend further proceedings in relation to the assessment of damages for right of way or any other claim for damages brought before them.

And the said resolution and the above substitute were both, On motion of Mr. Metcalf, laid on the table. . .

Mr. Metcalf, from a majority of the same committee to which was referred the "bill to amend an act entitled 'An act to regulate internal improvement,' approved March 25, 1840," reported the same back to the House, and adversely to its passage; the said bill was then referred to the committee of the whole, and placed on the general order.

Also, from a majority of the same committee, to which sun-

dry petitions, &c., was referred, asking for appropriations on certain works of internal improvement, submitted a report thereon accompanied by "a bill to provide for the construction of certain works of internal improvement;" which bill was twice read, and referred to the committee of the whole, and placed on the general order; and the report was laid on the table.

Mr. Copeland, from the committee on towns and counties, reported "a bill to change the names of certain townships, and for other purposes."

Also, "a bill to reestablish the boundary line between the townships of Ross and Charleston, and for other purposes;" which bills were severally twice read, and referred to the committee of the whole and placed on the general order.

Mr. Porter, from the committee on the judiciary, to which was referred the Senate "bill to amend chapter two, title three, part three of the revised statutes, entitled 'of the action of ejectment,'" reported the same back to the House with an amendment, and the said bill was then referred to the committee of the whole, and placed on the general order.

Mr. Brown, from the same committee, to which was recommended the "bill to provide for the compensation of township collectors," reported the same back to the House with a substitute therefor, entitled "a bill to provide for the compensation of township collectors;" which substitute was twice read, and the bill and substitute were both referred to the committee of the whole, and placed on the general order.

Mr. Walker, from the same committee, to which was referred the petition of Philo Beers and others, of the township of Cortland, Kent county, reported "a bill authorizing the commissioners of highways of the township of Cortland, in the county of Kent, to give certain bonds;" which bill was twice read and referred to the committee of the whole, and placed on the general order.

On motion of Mr. Hammond,

The House took up the resolution offered by him, and laid on the table on the 10th instant, requesting the opinion of the

attorney general respecting the legality of certain payments for printing, made by the auditor general.

The resolution was then considered and adopted.

On motion of Mr. Smith,

The House took up and adopted the resolution offered by him, and laid on the table on the 26th ultimo, instructing the committee on banks and incorporations to make further inquiries relative to the Michigan insurance company.

Mr. Biddle offered the following resolution:

Resolved, That the special message of the governor, of February 6, 1841, with the accompanying documents, be referred to the committee on banks and incorporations, with a request that said committee report as early as practicable, upon all matters touching banks and currency, which have been referred to it.

On motion of Mr. Bingham,

The resolution was amended by striking out all after the word "incorporations."

The resolution, as amended, was then adopted.

On motion of Mr. Hammond,

The House took up the "bill to incorporate the Saline manufacturing company of the county of Washtenaw," reported back yesterday by the committee of the whole, with amendments.

And the said amendments were then severally concurred in, except the amendment striking out the eighth section, and substituting the following in lieu thereof, to wit:

"Sec. 8. The stockholders of this corporation shall be liable for the debts of the corporation, as other partners in trade are, by existing laws."

Which amendment was rejected by the following vote:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,

Mr. Hammond,
Mr. Hawley,
Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

NAYS.

Mr. Biddle,	Mr. Lamb,	Mr. Renwick,
Mr. Brown,	Mr. Mather,	Mr. Root,
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,
Mr. Daniels,	Mr. Miller,	Mr. Strong,
Mr. Dolsen,	Mr. Morton,	Mr. Tyler,
Mr. Geddes,	Mr. Pierce,	Mr. Wilcox,
Mr. Gillett,	Mr. Porter,	Mr. Willits,
Mr. Harding,		

22

The House refused to excuse Mr. Porter from voting on this question.

The said bill being yet under consideration,

On motion of Mr. Metcalf,

It was further amended by striking out the eighth section, and substituting the following in lieu thereof, to wit:

“Sec. 8. That the stockholders of this incorporation shall be severally liable for all the debts of the corporation, that may have been incurred while they are owners of stock, in proportion to the amount of their stock: *Provided*, That the corporate property within reach of process, shall be exhausted before recourse to individual property of the stockholders.”

The said bill was then ordered engrossed for a third reading.

Mr. Wilcox gave notice that, on some future day, he will ask leave to introduce a bill to authorize the issue of state bonds, and the loan of them to the banks therein enumerated.

On motion of Mr. Biddle,

The House again went into committee of the whole on the House “bill to reduce the price of university and school lands;” also, on Senate “bill to reduce the minimum price of the university and school lands, and for the relief of certain purchasers thereof;” Mr. Metcalf in the chair.

After some time spent thereon, the committee rose, reported progress, asked and obtained leave to sit again.

On motion of Mr. Barlow, the House adjourned.

Saturday, February 13, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, Messrs. Bush, Clark, Dolsen, Leech, Rogers and Willits, were absent without leave.

LEAVE OF ABSENCE.

Mr. Tinney asked and obtained leave of absence for Mr. Bush, on account of indisposition.

Mr. Coates for Mr. Clark, until Tuesday.

Mr. Harding for Mr. Dolsen, until Monday.

Mr. Brown for Mr. Willits, until Tuesday.

PETITIONS.

By Mr. Bingham. Of W. W. Dean and others, asking the legislature to compel the banks to resume specie payments. Referred to the committee on banks and incorporations.

By Mr. Hawley. Of inhabitants of Saginaw county, for the organization of a new township. Referred to the committee on towns and counties.

By Mr. Tyler. Of citizens of Michigan, that the state purchase the railroad running from Monroe to Brest. Laid on the table.

By the same. Of citizens of St. Joseph and Branch counties, for the passage of a law regulating the flowing of lands by mill dams. Laid on the table, a report having been made upon that subject.

Mr. G. Spencer presented the claim of Hicks & Co.; which was referred to the committee on claims.

Mr. Hawley presented the claim of John Odell, for fencing Central railroad. Referred to the committee on claims.

Mr. G. Spencer presented the claim of George Davis and Mark Norris, for work done for the state. Referred to the committee on claims.

Mr. Harding presented the claim of J. S. & S. A. Bagg, for stationery furnished the state prison. Referred to the committee on claims.

The Chair announced a communication from the acting commissioner of internal improvement, in reply to the resolution

adopted on 10th instant, requiring information as to the number of persons employed as engineers on the Clinton and Kalamazoo canal; which communication,

On motion of Mr. Bingham,

Was referred to the committee on internal improvement.

Mr. Hammond moved that the House take up the resolution offered by him, and laid on the table on the 25th ultimo, proposing certain amendments to the twentieth rule of the House; which motion did not prevail.

RESOLUTIONS AND NOTICES.

Mr. Metcalf offered the following preamble and resolution:

Whereas, in the report of R. M. Morrison, superintendent of the Southern railroad, it is stated that about \$4,800 had been expended on this road, while under his charge; that the receipts upon the said road, for passengers and freight, is about \$200; that the expenses incurred on the River Raisin and Lake Erie railroad, is about \$1,500; therefore,

Resolved, That the acting commissioner be requested to obtain of said Morrison, a statement of the items and their cost, and the sections where expended, as well of the sum of \$4,800 as the sum of \$1,500; and also, the precise amount received on the Southern railroad, up to the date of said report; and report to this House.

Mr. Humphrey moved to lay the resolution on the table; which motion did not prevail.

After some debate, the resolution was laid on the table, by consent of the mover.

Mr. Strong offered the following resolution:

Resolved, That a select committee of seven be appointed to investigate the affairs and condition of the Bank of Michigan, and of the Farmers' and Mechanics' bank, of the city of Detroit, and report the result of their investigation, to this House, as speedily as possible.

Mr. Richardson moved to amend the resolution, by adding the following: "together with the Michigan insurance company, and the Bank of St. Clair, with power to send for persons and papers."

Mr. Daniels offered the following, as a substitute for the above amendment: "and also, that said committee be instructed to inquire into the expediency of providing such measures as may, in their opinion, give stability to our currency, and relief to the people, and to send for persons and papers, and report to this House by bill or otherwise; which substitute was adopted.

Mr. Coates moved to further amend said resolution by adding after "Detroit," the "Bank of St. Clair, and the Bank of Adrian;" which amendment was not adopted.

The resolution as amended, was then adopted.

On motion of Mr. Coates,

Resolved, That the secretary of state be directed to distribute the one thousand copies of the report of the investigating committee which sat during the recess, among the members of the legislature, that the important information contained in that report, may be spread before the people.

Mr. Larue offered the following, which was adopted:

Whereas, it appears by statements made on the third page of the report of the commissioners appointed under the "Act to provide for the sale of certain lands to the settlers thereon, and for other purposes," approved March 25, 1840, that several of the applicants for relief under said law, whose claims were rejected on account of some slight and unimportant variations from the requirements therein provided, were, in the opinion of the commissioners, as equitably entitled, and as deserving of relief under said law, as those whose claims were allowed; therefore,

Resolved, That the commissioners be, and they are hereby requested to communicate to this House, the names of all applicants whose claims were rejected, the value per acre of the lands claimed by them respectively, and such other information, as in the opinion of the commissioners, may aid the legislature in arriving at a full, fair and accurate judgment in relation to said claims.

Mr. Hawley laid on the table, the following joint resolution:

Resolved by the Senate and House of Representatives of the

State of Michigan, That the state treasurer be authorized and directed to settle the claims of the state, against William Ford & Son, on account of the non-payment of a portion of a loan of forty thousand dollars, negotiated by Stevens T. Mason, on behalf of the state, for continuing the building of the state prison, for the year 1839, if in his opinion, with the advice of the attorney general, a better arrangement can be made than by the continuance of a suit heretofore commenced against the said Fords.

Mr. Biddle moved that the vote of the House this morning, refusing to take up Mr. Hammond's resolution relative to an alteration of the 20th rule, be reconsidered.

Mr. Metcalf moved to lay the motion to reconsider on the table; which motion was negatived by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Renwick,	
Mr. Brown,	Mr. Mather,	Mr. Root,	
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,	
Mr. Geddes,	Mr. Morton,	Mr. Strong,	
Mr. Gillett,	Mr. Pierce,	Mr. Tyler,	
Mr. Harding,	Mr. Porter,	Mr. Wilcox,	18

NAYS.

Mr. Biddle,	Mr. Lamb,	Mr. Russell,	
Mr. Bingham,	Mr. Larue,	Mr. Smith,	
Mr. Castle,	Mr. Lee,	Mr. M. Spencer,	
Mr. Coates,	Mr. Miller,	Mr. Stockton,	
Mr. Curtis,	Mr. Olin,	Mr. Tinney,	
Mr. Daniels,	Mr. Redfield,	Mr. Walker,	
Mr. Hammond,	Mr. Richardson,	Mr. Speaker,	
Mr. Humphrey,			22

The motion of Mr. Biddle then prevailed, and on his motion, the resolution was then referred to the select committee on rules.

On motion of Mr. Metcalf,

The House took up the joint resolution reported by him yesterday, from the committee on internal improvement, relative to a suspension of proceedings by the board of appraisers on the public works.

Mr. Walker moved to amend said resolution, by adding the following: "and that the auditor general be directed to make

no further payments, on account of damages already assessed by said board;" which amendment was adopted.

The resolution as amended, was then adopted.

The Chair announced the following message from the Senate by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, February 13, 1841. }

To the Speaker of the House of Representatives :

SIR—I am directed by the Senate, to return to the House of Representatives, "a bill to establish the pay of members and officers of the legislature, and for other purposes," which the Senate have passed with sundry amendments, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

Mr. Smith moved that the House concur in the amendments made to the bill returned by the above message.

Mr. Hammond moved that the bill be referred to the committee on the judiciary.

Mr. Porter moved that it be referred to the committee of the whole.

Mr. Metcalf moved that the further consideration of the bill be indefinitely postponed; which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Miller,	Mr. Sprague,	
Mr. Brown,	Mr. Morton,	Mr. Stockton,	
Mr. Curtis,	Mr. Olin,	Mr. Strong,	
Mr. Hammond,	Mr. Redfield,	Mr. Tinney,	
Mr. Hawley,	Mr. Root,	Mr. Tyler,	
Mr. Lee,	Mr. Russell,	Mr. Walker,	
Mr. Metcalf,	Mr. M. Spencer,	Mr. Wilcox,	21

NAYS.

Mr. Biddle,	Mr. Gillett,	Mr. Pierce,	
Mr. Bingham,	Mr. Harding,	Mr. Porter,	
Mr. Castle,	Mr. Humphrey,	Mr. Renwick,	
Mr. Coates,	Mr. Lamb,	Mr. Richardson,	
Mr. Copeland,	Mr. Larue,	Mr. Smith,	
Mr. Daniels,	Mr. Mather,	Mr. Speaker,	
Mr. Geddes,			19

On motion of Mr. Biddle,

The committee of the whole was discharged from the further consideration of the House "bill to reduce the price of university and school lands;" also, from the Senate "bill to reduce the minimum price of the university and school lands, and for the relief of certain purchasers thereof;" and,

On his motion, the said bills were then recommitted to the committee on university and state lands.

On motion of Mr. Barlow,

The House went into committee of the whole on the bill to repeal the third section of "An act entitled 'An act to organize certain townships, and for other purposes,'" Mr. Coates in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment.

The said bill was then ordered to a third reading.

On motion of Mr. Barlow,

The 22d rule, requiring the second and third readings of bills to be on different days, was suspended; and,

The said bill was then read a third time and passed.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the "bill to amend an act entitled 'An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes.'" "

The said bill was then ordered to a third reading.

On motion of Mr. Hammond,

The 22d rule was suspended; and, the said bill was then read a third time and passed.

On motion of Mr. Metcalf,

The committee of the whole was discharged from the further consideration of the "bill to change the names of certain towns, and for other purposes." The said bill being under consideration,

On motion of Mr. Hammond, it was amended by adding the following additional section, to wit:

"Sec. 5. This act shall take effect and be in force from and after its passage."

The said bill was then ordered engrossed for a third reading.

On motion of Mr. Metcalf,

The 22d rule was suspended; and, the said bill was then read a third time and passed.

On motion of Mr. Castle,

The committee of the whole was discharged from the further consideration of the "bill to organize certain townships, and for other purposes." The said bill being under consideration,

On motion of Mr. Walker,

It was amended by adding the following additional section, to wit:

"Sec. 3. This act shall take effect and be in force from and after its passage."

The said bill was then ordered engrossed for a third reading.

On motion of Mr. Castle,

The 22d rule was suspended; and, the said bill was then read a third time and passed.

On motion of Mr. Walker,

House bill No. 3, "a bill amendatory to 'An act to amend the revised statutes, relative to primary schools,' approved April 1, 1840," and House bill No. 85, (a substitute for House bill No. 3,) were made the special order for Wednesday, the 17th instant.

On motion of Mr. Pierce,

The "bill to provide for the construction of certain works of internal improvement," was made the special order of the day for Tuesday next.

On motion of Mr. Smith,

The vote just taken was reconsidered; and the question recurring upon the motion of Mr. Pierce,

Mr. Hammond moved to strike out "Tuesday," and insert "Thursday."

Mr. Coates moved to adjourn; which motion did not prevail.

The question recurring upon Mr. Hammond's motion,

Mr. Porter moved to lay it on the table; which motion was negatived.

Mr. Hammond's amendment was then adopted; and, the motion of Mr. Pierce, as amended, then prevailed.

On motion of Mr. Hawley, the House adjourned.

Monday, February 15, 1841.

The House met pursuant to adjournment.

The roll being called, Messrs. Lamb, Lee, Leech, G. Spencer and Stockton were absent without leave.

LEAVE OF ABSENCE.

Mr. Wilcox asked and obtained leave of absence for Mr. Lamb.

Mr. Rogers, for Mr. Lee, on account of indisposition.

Mr. Renwick, for Mr. G. Spencer, for the same reason.

PETITIONS.

By the Speaker. Of inhabitants of Monroe, Lenawee, Hillsdale, Branch and St. Joseph counties, for a fair and equal appropriation for the Southern railroad.

By Mr. Larue. Of Richard P. Barker and others, for the reduction of the price of university and school lands; both of which petitions were laid on the table, a report having been made upon those subjects.

By Mr. Copeland. Of 121 citizens of the township of Grass Lake, against a division of said township. Referred to the committee on towns and counties.

Mr. Harding presented the claim of Orville B. Dibble; which was referred to the committee on claims.

Mr. Walker presented the petition of Dewitt Shoemaker, and others, citizens of Kent county, for the alteration of a certain state road. Referred to the committee on roads and bridges.

Mr. Harding presented the following claims: Of the Phoenix bank of New York, for advances made the state; of T. Joy & Co., of Buffalo, for transportation of railroad iron; and of J. Delafield, of New York, for agency and other services; which were severally referred to the committee on claims.

REPORTS.

Mr. Wilcox, from the committee on manufactures, to which was referred a special message from the governor, and its accompanying documents, relative to a protective tariff, and sundry resolutions of the House upon the same subject, reported thereon, and recommended the adoption of the resolutions; which resolutions and report were ordered to be laid on the table, and the report ordered printed.

(*See Document, No. 39.*)

Mr. Hammond, from the committee on banks and incorporations, to which was referred the report of the Erie and Kalamazoo railroad company, and the governor's message thereon, reported the same back to the House, and recommended that the report be printed, with the documents; which was so ordered by the House; and the committee was discharged from the further consideration of the same.

(*See Document, No. 40.*)

Also, from the same committee, to which was referred the Senate "bill to incorporate the trustees of the Wesleyan seminary, at Albion," reported the same back to the House, without amendments, and recommended its passage; which bill was referred to the committee of the whole and placed on the general order, and the committee discharged from its further consideration.

The same, from the committee on the judiciary, to which was referred the Senate "bill to further amend chapter first, title tenth, part first of the revised statutes, entitled 'of religious societies,'" reported the same back to the House, recommending its passage; and the committee was discharged from its further consideration.

Which bill was referred to the committee of the whole and placed on the general order.

Also, from the same committee, to which was referred the House "bill to aid those who may have money collected in the hands of their agents, in obtaining the same," and the Senate "bill to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys," reported the

same back to the House, recommending that the Senate bill be passed, as a substitute for the House bill, and asked to be, and the committee was discharged from their further consideration; and both the said bills were referred to the committee of the whole and placed on the general order.

Mr. Walker, from the same committee, which was instructed by the House to inquire into the expediency of providing by law for effectually securing the proper disposition of moneys that may come into the possession of overseers and commissioners of highways, and for a more rigid accountability of those officers, reported "a bill to amend an act, entitled 'An act relative to highway taxes,' approved March 20, 1840, and for other purposes;" which bill was twice read, referred to the committee of the whole and placed on the general order.

Also, from the same committee, to which was referred sundry petitions for legalizing the collection of certain taxes, reported "a bill authorizing county commissioners to make assessments in certain cases;" which was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Porter, from the same committee, to which was referred the Senate "bill to amend part three, title three, chapter one, section seven of the revised statutes," reported the same back to the House, recommending its passage, and asked to be discharged from its further consideration; and the committee was accordingly discharged.

Mr. Harding, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of abolishing the office of township assessor, reported the same back to the House, recommending its reference to a select committee on the abolition of township offices; and the committee was, on his motion, discharged from its further consideration.

Mr. Barlow, from the committee on banks and incorporations, to which was referred certain resolutions relative to the Michigan insurance company, submitted a report thereon; which report, with the accompanying documents,

On motion of Mr. Bingham, were laid on the table and ordered printed.

(*See Document, No. 41.*)

The Chair announced the following select committee to investigate the affairs of the Bank of Michigan and the Farmers and Mechanics' bank of Michigan, &c., in pursuance of the resolution adopted on the 13th instant, to wit: Messrs. Strong, Larue, Hammond, Brown, Walker, Hawley, and Stockton.

The House excused Mr. Larue from serving on said committee.

Whereupon, the Chair announced Mr. Porter to fill the vacancy in said committee.

Mr. Renwick, pursuant to previous notice, asked and obtained leave to introduce "a bill to permit the use of certain land in the township of Saline, for constructing a mill race;" which bill was twice read and referred to the select committee on university and state lands.

Mr. Wilcox, pursuant to previous notice, obtained leave to introduce "a bill to authorize the issue of state bonds, and the loan of them to the banks therein named;" which bill was twice read and referred to the select committee to investigate the affairs of certain banks.

The Chair announced the following message from the Senate, through their secretary, Mr. Kellogg:

SENATE CHAMBER,
Monday, February 15, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate to transmit to the House of Representatives, the three following described bills, viz:

"A bill relative to the sale of real and personal estate on execution."

"A bill to organize certain townships, and for other purposes."

"A bill for the relief of the township of Tuscola."

All of which the Senate have passed, and respectfully ask the concurrence of the House in the same.

I am further directed by the Senate, to return to the House

of Representatives, House bills Nos. 7 and 11, "to authorize the building of certain dams therein named;" which the Senate have passed with amendments, (being a substitute,) and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,

Secretary of the Senate.

The "bill relative to the sale of real and personal estate on execution," and the "bill for the relief of the township of Tuscola," were severally twice read and referred to the committee on the judiciary.

And the "bill to organize certain townships, and for other purposes," was twice read and referred to the committee on towns and counties.

And the House concurred in the amendments of the Senate, to the House bills Nos. 7 and 11, "to authorize the building of certain dams therein named."

And the said bill was accordingly ordered enrolled.

On motion of Mr. Metcalf,

The House took up the petition laid on the table on the 13th instant, praying the state to purchase the railroad running from Monroe to Brest; and,

On his motion, the same was referred to the committee on internal improvement.

On motion of Mr. Hawley,

The House took up the joint resolution laid on the table on the 13th instant, "authorizing the state treasurer to settle with Ford & Son."

Mr. Harding moved that the resolution be referred to the committee on ways and means, with instructions to inquire into the sufficiency of the securities held by the state, for the loan of forty thousand dollars to W. Ford & Son; and, also, to inquire into the expediency of adopting said resolution; which motion prevailed.

Mr. Porter offered the following resolution, which was laid on the table by his consent:

Resolved, That the committee on the judiciary be instructed to report, as early as practicable, upon the resolution referred

to it, inquiring into the expediency of repealing the act of A. D. 1840, exempting the stock of the Bank of St. Clair from taxation.

Mr. M. Spencer gave notice that on some future day, he should ask leave to introduce a bill to exempt certain property from execution.

Mr. Sprague gave notice that he would on some future day, ask leave to introduce a bill relative to the Palmyra and Jacksonburg railroad.

Mr. Bingham called up his resolution relative to adjournment; and moved to strike out "fifteenth," and insert "twenty-second of February."

Mr. Pierce moved to insert "first of March."

Mr. Metcalf moved to insert the "fifteenth of March;" which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Metcalf,	Mr. Strong,	
Mr. Daniels,	Mr. Rogers,	Mr. Wilcox,	
Mr. Geddes,	Mr. Russell,	Mr. Wood,	9

NAYS.

Mr. Biddle,	Mr. Harding,	Mr. Porter,	
Mr. Bingham,	Mr. Hawley,	Mr. Renwick,	
Mr. Brown,	Mr. Lamb,	Mr. Richardson,	
Mr. Bush,	Mr. Larue,	Mr. Root,	
Mr. Castle,	Mr. Mather,	Mr. Smith,	
Mr. Coates,	Mr. Miller,	Mr. Sprague,	
Mr. Copeland,	Mr. Morton,	Mr. Tinney,	
Mr. Curtis,	Mr. Olin,	Mr. Tyler,	
Mr. Dolsen,	Mr. Pierce,	Mr. Walker,	
Mr. Hammond,			28

On motion of Mr. Renwick,

The further consideration of the resolution was postponed until the fourth day of March next; which motion prevailed, as follows:

YEAS.

Mr. Barlow,	Mr. Mather,	Mr. Rogers,
Mr. Brown,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. Miller,	Mr. Strong,
Mr. Curtis,	Mr. Morton,	Mr. Tyler,
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,

Mr. Geddes,
Mr. Hawley,

Mr. Porter,
Mr. Renwick,

Mr. Wood,

20

NAYS.

Mr. Biddle,
Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Dolsen,

Mr. Hammond,
Mr. Harding,
Mr. Lamb,
Mr. Larue,
Mr. Olin,
Mr. Richardson,

Mr. Root,
Mr. Russell,
Mr. Tinney,
Mr. Walker,
Mr. Speaker,

17

On motion of Mr. Walker,

The House took up for consideration the resolution offered by him and laid on the table on the 10th instant, relative to two sessions each day.

On his motion, it was amended by striking out "Monday," and inserting in lieu thereof, "Thursday."

The resolution, as amended, was then adopted.

On motion of Mr. Walker,

The House went into committee of the whole, on the Senate "bill to amend chapter three, title three, part first of the revised statutes relative to prosecuting attorneys;" Mr. Cope-land in the chair.

After some time spent thereon, the committee rose and re-ported the same back to the House, with sundry amendments, which were concurred in.

The bill was then ordered to a third reading.

On motion of Mr. Renwick,

The House took up the "bill to incorporate the Saline ma-nufacturing company of the county of Washtenaw;" and,

On his motion, and by general consent, the same was fur-ther amended, by striking out the eighth section, and inserting the following in lieu thereof, to wit:

"Sec. 8. The individual stockholders of this corporation, shall be liable for the debts of the corporation, as other part-ners in trade are, by existing laws."

The bill was again ordered to a third reading.

On motion of Mr. Smith,

The House took up from the table, the Senate "bill autho-rizing county commissioners to reestablish a distinction between county and township poor."

Mr. Smith moved to so amend the bill as to make its provisions applicable to the county of Monroe; pending which,

On motion of Mr. Porter,

The bill was again laid on the table.

On motion of Mr. Brown,

The forty-second rule, requiring printed bills to be laid on the table at least one day before considered in committee of the whole, was suspended; and, on his motion,

The House went into committee of the whole, on the "bill (substitute) to provide for the compensation of township collectors;" Mr. Harding in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments; which were concurred in.

The said bill was ordered engrossed for a third reading.

Mr. Walker moved that the vote of the 13th instant, adopting the resolution directing the secretary of state to distribute the reports of the special committee to investigate affairs of the boards of internal improvement, among the members of the legislature, be reconsidered.

And on his motion, the motion to reconsider was laid on the table.

On motion of Mr. Bingham, the House adjourned.

Tuesday, February 16, 1841.

The House met pursuant to adjournment.

The roll being called, Messrs. Clark, Dolsen and Renwick were absent without leave.

PETITIONS.

By the Speaker. Of inhabitants of Monroe, Lenawee, Hillsdale, Branch and St. Joseph counties, for a fair and equal appropriation on the Southern railroad; laid on the table, a report having been made upon that subject.

By Mr. Castle. Of inhabitants of Shiawassee county, that the builders of a certain dam in that county be compelled to

comply with the law in regard to the building a lock in said dam. Referred to the committee on banks and incorporations.

By Mr. Daniels. Of inhabitants of Lenawee county, for the laying out of a state road, and the appointment of commissioners for that purpose. Referred to the committee on roads and bridges.

Mr. Leech presented a remonstrance from the inhabitants of the township of Warren, against a division of said township. Referred to the committee on towns and counties.

REPORTS.

Mr. Copeland, from the committee on towns and counties, to whom was referred the Senate "bill to organize certain townships, and for other purposes," reported the same back to the House without amendment, recommending its passage, and the bill was referred to the committee of the whole, and placed on the general order.

Also, from the same committee, which was instructed by a resolution of the House, to inquire into the expediency of a law establishing the lines of townships according to the original survey, so as to avoid future legislation and expense upon that subject, and to report by bill or otherwise, reported, that in the opinion of the committee, no legislation was expedient upon the subject, and the committee asked to be, and were discharged from its further consideration.

Also, from the same committee, to which was referred sundry petitions from inhabitants of Genesee, Oakland and Livingston counties, relative to the organization of a new county, reported adversely to the same, and asked to be discharged from the further consideration of the subject, and the committee were accordingly discharged.

Mr. Leech, from the committee on banks and incorporations, to which was referred sundry petitions complaining of the circulation of shin plasters, and praying that measures may be taken to suppress the same, submitted a majority report thereon, accompanied by the following joint resolutions:

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor of this state be directed

to remove from office all prosecuting attorneys, who shall after the first day of June next, neglect to enforce the "Act to prevent the circulation of bills or tickets of a less denomination than one dollar," approved March 22, 1888.

Resolved, That the secretary of state be instructed to forward copies of these resolutions, to each prosecuting attorney of this state, immediately after their passage.

Resolved, That upon the receipt of copies of these resolutions, each prosecuting attorney be required to give notice in some paper in his county, or nearest to said county, if no paper be printed in the county, that prosecutions will be commenced against all persons or corporations offending against said act, from and after the first day of June next.

Which resolutions were laid on the table for one day, according to rule, and the report was ordered printed.

(*See Document, No. 42.*)

Mr. Porter, from same committee, submitted a minority report upon the foregoing subject, accompanied by a "bill amendatory to 'An act to prevent the circulation of bills or tickets of a less denomination than one dollar,' approved March 22, 1888;" which report was laid on the table, and the bill was twice read, referred to the committee of the whole and placed on the general order.

Mr. Brown, from the same committee, to which was referred the Senate "bill to incorporate the Ebenezer institute, of Genesee county," reported the same back to the House, and adversely to its passage, and the bill was referred to the committee of the whole, and placed on the general order.

By the same, from the committee on elections, to which was referred a resolution of the House, directing them to inquire into the qualifications of Levi E. Dolsen, Joseph Coates, Charles P. Bush and Ira Porter, to seats as members of this House, submitted a report thereon; which was laid on the table and ordered printed.

(*See Document, No. 43.*)

And the committee were discharged from the further consideration of the subject.

Mr. Hammond, from the committee on banks and incorporations, who were instructed to ascertain, by obtaining the opinion of the attorney general, or otherwise, the appropriate method of proceeding to investigate the affairs of the Lake Erie and River Raisin railroad company, submitted a report thereon, accompanied by the following resolution:

Resolved, That the committee on banks and incorporations be instructed to inquire:

First. What amount of bank notes or other evidences of debt, are now afloat and are existing liabilities of the Lake Erie and River Raisin railroad company?

Second. What is the total amount of debts due and owing by said company?

Third. What is the amount of the stock of said company, actually paid in?

Fourth. What means the company have to redeem and pay their liabilities?

Fifth. Whether said company are redeeming in whole or in part, their notes, and paying their debts to the public?

Sixth. What security have the public for the redemption and payment of their debts?

Seventh. To inquire into any other matter and thing touching the business of said company, which in their opinion, the public good may require, and for these purposes, the committee are hereby empowered to send for persons and papers, and their chairman to administer oaths to such persons as they may call before them.

Which resolution was laid on the table by his consent, and the report and accompanying documents were ordered to be printed.

(See Document, No. 44.)

The Chair announced a communication from the superintendent of public instruction, in reply to the resolution adopted on the 30th ultimo, relative to the university and school lands; which,

On motion of Mr. Walker,

Was referred to the committee on education.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, February 16, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House of Representatives, “a bill to provide for the transfer of twenty thousand dollars, from the delinquent tax fund, and to provide for the payment in part, of the members and officers of the present legislature;” which the Senate have passed without amendment.

Also, to transmit, “a bill to enable George Dorr, a minor, to convey certain parcels of real estate;” which the Senate have passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

And the “bill to enable George Dorr, a minor, to convey certain parcels of real estate,” was twice read, and referred to the committee on the judiciary.

RESOLUTIONS.

On motion of Mr. Geddes,

Resolved, That the committee on elections inquire into the propriety of so amending the election law, as to make a residence of thirty days immediately preceding the election, in the county where he offers to vote, a necessary qualification of a voter in the general elections of this state, held on the first Monday of November, and the following day, of each and every year.

On motion of Mr. Metcalf,

Resolved, That the select committee on banks be directed to inquire into and report upon the condition of the branch of the Bank of Michigan, at Kalamazoo; and also, the branch of the Farmers' and Mechanics' bank, at St. Joseph.

Mr. Brown laid on the table the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is

hereby instructed to require all such persons as, having been commissioners of internal improvement in this state, are now indebted to the state in the account incident to such office, to settle such indebtedness in a manner satisfactory to the said auditor general, within sixty days from the passage of this resolution; or in case of failure so to do, to cause the same to be prosecuted forthwith.

On motion of Mr. Walker,

Resolved, That the auditor general be requested to communicate to this House, whether, in his opinion, any further legislation is necessary to enable him to settle with the late commissioners of internal improvement, and to report the condition of their several accounts.

On motion of Mr. Walker,

Resolved, That the superintendent of public instruction be requested to communicate to this House, what counties have refused to pay the interest on the moneys loaned to them from the school fund, together with the reasons for such refusal, and what action he has taken upon such refusal; and such other information as may lead to a full understanding of the condition of these loans; also, whether, in his opinion, the money loaned on bonds and mortgages is well secured, and in what counties it is loaned.

On motion of Mr. Metcalf,

The House took up for consideration the resolution offered by him, and laid on the table on the 13th instant, relative to the report of the superintendent on the Southern railroad.

Mr. Hammond moved to amend said resolution by adding the following thereto, which was accepted by Mr. Metcalf, viz:

“And also request of said Morrison, and report to this House, his opinion as follows, to wit: whether the locomotive, cars and other machinery for running on the Southern railroad, are not, to a great extent, deficient, and if so, state in what particulars; and also, whether the expenses of running said road, have not been greatly increased, and the receipts diminished, by reason of such deficiency.”

The resolution, as amended, was then adopted.

On motion of Mr. Hammond,

Resolved, That the committee on the judiciary be instructed to examine the deed of conveyance of the Lake Erie and River Raisin railroad, to the state of Michigan, and to report whether the said deed is, or is not a good and sufficient legal conveyance of all the rights and franchises of said company, the whole of said road, as contemplated in the act authorizing the purchase of said road; and if said deed is insufficient to convey all the rights of said company to the state, as was contemplated in the law, further report the reasons of such insufficiency, and whether the same was the result of carelessness or design.

Mr. Walker moved that the House take up for consideration, the motion made by him and laid on the table yesterday, to reconsider the vote adopting the resolution on the 13th instant, relative to a distribution of copies of the report of the special committee appointed to investigate the affairs of the several boards of internal improvement; which motion was negatived by the following vote:

YEAS.

Mr. Bush,
Mr. Curtis,
Mr. Hammond,
Mr. Harding,
Mr. Leech,

Mr. Mather,
Mr. Metcalf,
Mr. Olin,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,

14

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Gillett,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Rogers,
Mr. Root,

Mr. Smith,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

29

The Senate "bill to amend chapter three, title three, part one of the revised statutes, 'relative to prosecuting attorneys;'" and the House "bill, (substitute for bill No. 26,) to provide for the compensation of township collectors," were severally read a third time and passed.

The "bill to incorporate the Saline manufacturing company of the county of Washtenaw," was read a third time; and,

On motion of Mr. Pierce,

Said bill was then recommitted to the committee on banks and incorporations.

Mr. Bush, from the committee on enrolment, reported as correctly enrolled, "a bill to provide for the transfer of twenty thousand dollars from the delinquent tax fund, and to provide for the payment, in part, of the members and officers of the present legislature."

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the "bill to amend an act entitled 'An act for the regulation of internal improvement,' approved March 25, 1840;" and, the same was taken up for consideration.

Mr. Harding moved that the bill be laid on the table.

Mr. Hammond moved a call of the House; which motion was sustained.

The roll being called, Messrs. Drew, Dolsen, Lee and Renwick were absent without leave.

Mr. Porter asked and obtained leave of absence for Messrs. Drew, Dolsen and Lee, on account of indisposition.

On motion of Mr. Hammond, the further proceedings under the call, were dispensed with.

The question then recurring on the motion of Mr. Harding, to lay the said bill on the table, it was negatived by the following vote:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,

Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Rogers,
Mr. Root,
Mr. M. Spencer,

20

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,

Mr. Leech,
Mr. Redfield,
Mr. Richardson,

Mr. Tinney,
Mr. Tyler,
Mr. Walker,

Mr. Coates,
Mr. Curtis,
Mr. Daniels,
Mr. Hammond,
Mr. Humphrey,

Mr. Russell,
Mr. Smith,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,

Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

23

The question then being upon ordering said bill to a third reading, by general consent, it was laid on the table.

On motion of Mr. Stockton, the House adjourned.

Wednesday, February 17, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, the members were all present except those absent on leave.

PETITIONS.

By the Speaker. Of inhabitants of Monroe, Lenawee, Hillsdale, Branch and St. Joseph counties, for a fair and equal appropriation on the Southern railroad.

By Mr. Walker. From the same, for the same purpose.

By Mr. Tyler. Of 42 citizens of this state, for the passage of a law to regulate the damages for flowing lands by mill ponds.

By Mr. Hammond. A remonstrance of 102 citizens of Michigan, against the passage of the Senate "bill for the appraisal of property taken on executions; which petitions were severally laid on the table.

By Mr. Biddle. Of citizens of Detroit, for the speedy action of the legislature, in regard to the currency. Referred to the select committee on investigation of banks.

By Mr. M. Spencer. Of citizens of Calhoun and Jackson counties, for the laying out a certain state road. Referred to the committee on roads and bridges.

By Mr. Harding. Of Eli Curtis, for an investigation into the circumstances of his discharge as a petit juror, by the circuit court of Oakland county. Referred to the committee on the judiciary.

By Mr. Larue. Of inhabitants of Berrien county, for a reduction of the price of university and school lands. Referred to the committee on university and school lands.

REPORTS.

Mr. Barlow, from the committee on banks and incorporations, to which was referred sundry petitions and remonstrances, relative to a further suspension of specie payments by the banks; also, the special message of the executive on the same subject, reported the same back to the House, and asked to be discharged from their further consideration, and that the same be referred to the select committee on the banks and currency. The committee was accordingly discharged, and the said papers were so referred.

Mr. Harding, from the committee on the judiciary, to which was referred the Senate "bill for the relief of the township of Tuscola," reported the same back to the House, and recommended that it do not pass; and said bill was then referred to the committee of the whole and placed on the general order.

Mr. Biddle, from the committee on university and school lands, to which was recommitted the Senate "bill to reduce the minimum price of university and school lands, and for the relief of certain purchasers thereof;" also, the House "bill to reduce the price of university and school lands," reported the same back to the House, with amendments to the House bill; both of which bills were referred to the committee of the whole and placed on the general order.

Mr. Hammond, from the committee on the judiciary, to which was referred the Senate "bill relative to the sale of real and personal estate on execution," reported the same back to the House, adversely to its passage, and the bill was referred to the committee of the whole and placed on the general order.

Also, from the same committee, to which was referred the attorney general's report, relative to the Huron river bridge company, reported, that in the opinion of the committee, no legislation was necessary upon that subject; and upon his mo-

tion, the committee was discharged from its further consideration.

Also, from the same committee, to which was referred the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings, reported the same back to the House with amendments, and the bill was referred to the committee of the whole and placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which was referred a petition for, and a remonstrance against an alteration of the boundaries of the town of Warren, Macomb county, by inhabitants of that town, reported adversely to any action upon the matter; and the committee was discharged from its further consideration.

Mr. Renwick, from the committee on ways and means, to which was referred a communication from the county commissioners of St. Joseph county, relative to uncollected taxes in that county, for the year 1839, submitted a report thereon, which report was laid on the table and ordered printed.

(See Document, No. 45.)

Also, from the same committee, to which was referred a resolution requiring the committee to inquire into the expediency of abolishing the specific state taxes now imposed by law upon merchants and other traders, submitted a report thereon, which report was laid on the table and ordered printed.

(See Document, No. 46.)

Mr. Strong, from the select committee on town offices, to which was referred a resolution of inquiry as to the expediency of abolishing the office of township assessors, and establishing in place thereof, three county assessors, reported, that in the opinion of the committee, any legislation upon that subject, is at present inexpedient; and upon his motion, the committee was discharged from its further consideration.

The same, from the same committee, reported "a bill to abolish the office of supervisor, and for other purposes;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Sprague, pursuant to previous notice, asked and obtain-

ed leave to introduce "a bill to provide for the purchase of the Palmyra and Jacksonburg railroad;" which was twice read and referred to the committee on internal improvement.

On motion of Mr. Hammond,

The House took up from the table the resolution reported by him yesterday, from the committee on banks and incorporations, relative to the Lake Erie and River Raisin railroad company."

Mr. Smith moved to lay the resolution again on the table; which motion did not prevail.

The resolution was then adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,	
Mr. Biddle,	Mr. Lamb,	Mr. Root,	
Mr. Bingham,	Mr. Larue,	Mr. Russell,	
Mr. Brown,	Mr. Leech,	Mr. M. Spencer,	
Mr. Bush,	Mr. Mather,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Stockton,	
Mr. Coates,	Mr. Miller,	Mr. Strong,	
Mr. Cook,	Mr. Morton,	Mr. Tinney,	
Mr. Copeland,	Mr. Olin,	Mr. Tyler,	
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,	
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Redfield,	Mr. Wood,	
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,	
Mr. Hammond,	Mr. Richardson,		44

NAYS.

Mr. Harding,	Mr. Humphrey,	Mr. Smith,	3
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RESOLUTIONS AND NOTICES.

On motion of Mr. Hammond,

Resolved, That the report of the commissioners appointed to settle with the Michigan state bank, be referred to the committee on ways and means, with instructions to inquire into the situation of the funds of the banks, which appear to have been assigned to the state; the propriety and validity of the assignment and transfer, and to report their opinion thereon; and, also, their opinion whether any further legislation is necessary in order to secure the interests of the state.

Mr. Lamb offered the following resolution:

Resolved, That the committee on roads and bridges inquire

into the propriety of so amending the laws relative to the powers and duties of commissioners of highways, as to enable them to establish public highways upon section lines, when the same are ascertained and plainly marked, without incurring the expense of a survey of the same, and that they report by bill or otherwise.

Mr. Mather moved to amend the resolution by adding the following thereto, to wit:

“That the commissioners of highways have the privilege of directing the overseers of highways, where the labor shall be performed in the several districts.”

Which amendment did not prevail.

The said resolution was then adopted.

Mr. Renwick gave notice of his intention to bring in a bill to repeal section thirty-one, chapter one, title five, part three of the revised statutes, and to provide for a more uniform mode of taxing costs in the circuit courts of this state.

Also, gave notice of his intention to bring in a bill to abolish the office of county commissioners, and for other purposes.

Mr. Wilcox gave notice that on some future day he will ask leave to introduce a bill to incorporate the Adrian church association.

The Chair announced a communication from the attorney general, in reply to the resolution adopted on the 11th instant, relative to the Detroit and Pontiac railroad company; which communication,

On motion of Mr. Walker, was laid on the table and ordered printed.

(*See Document, No. 47.*)

The Chair announced the following message from the Senate, by their secretary, Mr. Kellogg:

SENATE CHAMBER, }
Tuesday, February 16, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives, “a bill to amend the charter of the city of Detroit;” also, “a bill to alter the boundary of the township of Kearsley, in the county of Genesee;” which the Senate

have passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

The "bill to amend the charter of the city of Detroit," was twice read and referred to the committee on the judiciary.

And the "bill to alter the boundary of the township of Kearsley, in the county of Genesee," was twice read and referred to the committee on towns and counties.

The Chair announced as the special order of the day, the "bill, (substitute for House bill number three,) amendatory to 'An act to amend the revised statutes relative to primary schools,' approved February 1, 1840;" and,

On motion of Mr. Metcalf,

The House went into committee of the whole on said bill; Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

Mr. Porter asked and obtained leave of absence for the sergeant-at-arms, until Monday next.

On motion of Mr. Humphrey, the House adjourned.

Thursday, February 18, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. E. H. Pilcher.

The roll being called, the members were all present except those absent on leave.

PETITIONS.

By the Speaker. Of inhabitants of Monroe, Lenawee, Hillsdale and Branch counties, for a fair and equal appropriation on the Southern railroad; laid on the table, a report having been made on that subject.

By Mr. Redfield. Of inhabitants of Port Mason, Ontwa and Milton, in Cass county, for an alteration in the boundaries of said towns. Referred to the committee on towns and counties.

By Mr. Barlow. Of inhabitants of Barry county, for the organization of a new township. Referred to the same committee.

By Mr. Strong. A remonstrance of citizens of the town of Ontwa, against a division of said town. Referred to the same committee.

By Mr. Barlow. A remonstrance of inhabitants of Carmel, Eaton county, against the division of that town. Same reference.

By the Speaker. Of inhabitants of Blissfield, Lenawee county, for an alteration in the constitution. Referred to the committee on the judiciary.

By Mr. Bush. Of inhabitants of Howell, Livingston county, against a further suspension of specie payments by the banks. Referred to the committee on the banks and currency.

Mr. Hawley presented the claim of Chester Bennett, for materials furnished state prison at Jackson. Referred to the committee on claims.

REPORTS.

Mr. Walker, from the committee on the judiciary, to which was referred the petition of the school inspectors of Detroit, for the passage of a law authorizing the appointment of a director for school district number eight, in said city, reported "a bill to organize a school district in the city of Detroit;" which was twice read, referred to the committee of the whole and placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which was referred sundry petitions upon the subject of the organization of new townships, reported "a bill to organize certain townships, and for other purposes;" which was twice read, referred to the committee of the whole, and placed on the general order.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Thursday, February 18, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House

of Representatives, "a bill to provide for hiring out the services of convicts in the state prison."

Also, "a bill to preserve the purity of elections, and to amend title two, of the revised statutes;" which the Senate have passed, and respectfully ask the concurrence of the House in the same.

I am also instructed to inform the House, respectfully, that the Senate have concurred in House amendments to Senate bill number twenty-one, "to amend chapter three, title three, part first, of the revised statutes, 'relative to prosecuting attorneys.'"

D. W. KELLOGG,
Secretary of the Senate.

The "bill to provide for hiring out the services of convicts in the state prison," was twice read, and referred to the committee on the judiciary; and the "bill to preserve the purity of elections, and to amend title two, of the revised statutes," was twice read and referred to the committee on elections.

RESOLUTIONS.

On motion of Mr. Porter,

Resolved, That the committee on the judiciary be instructed to inquire whether there are any existing provisions of law relative to recording and vacating village plats, and whether any legislation upon that subject is necessary.

Mr. Mather offered the following resolution:

Resolved, That it shall be the duty of all township collectors, to receive all township orders at their full amount, to apply on the tax of the individual who may offer them: *Provided*, the tax levied shall be sufficient to cover such township orders.

Which resolution, on motion of Mr. Hammond, was referred to the committee on ways and means.

The Chair announced as the special order of the day, the "bill to provide for the further construction of certain works of internal improvement."

Mr. Bingham moved that the special order be laid on the table:

Which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Lee,
Mr. Leech,
Mr. Philbrick,
Mr. Porter,
Mr. Richardson,
Mr. Russell,
Mr. Smith,

Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wilcox,
Mr. Wood,
Mr. Speaker,

20

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,

Mr. Redfield,
Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Willits,

28

Mr. Larue moved that the House now go into committee of the whole, on said bill.

Mr. Smith moved to postpone the consideration of the special order until Tuesday next; which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Humphrey,
Mr. Lee,
Mr. Leech,
Mr. Philbrick,
Mr. Porter,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Willits,
Mr. Wood,

19

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Speaker,

29

The question recurring upon the motion of Mr. Larue, the

same was decided in the affirmative; and the House went into committee of the whole on said bill; Mr. Copeland in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with an amendment, to wit: "striking out the appropriation of \$150,000 on the Southern railroad, and inserting in lieu thereof, \$200,000."

Which amendment was concurred in, by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Redfield,
Mr. Biddle,	Mr. Hawley,	Mr. Renwick,
Mr. Bingham,	Mr. Lamb,	Mr. Rogers,
Mr. Brown,	Mr. Larue,	Mr. Root,
Mr. Bush,	Mr. Lee,	Mr. M. Spencer,
Mr. Clark,	Mr. Leech,	Mr. Sprague,
Mr. Coates,	Mr. Mather,	Mr. Strong,
Mr. Cook,	Mr. Metcalf,	Mr. Tyler,
Mr. Copeland,	Mr. Miller,	Mr. Walker,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolsen,	Mr. Olin,	Mr. Willits,
Mr. Geddes,	Mr. Philbrick,	Mr. Wood,
Mr. Gillett,	Mr. Pierce,	Mr. Speaker,
Mr. Hammond,		

40

NAYS.

Mr. Castle,	Mr. Porter,	Mr. Smith,
Mr. Curtis,	Mr. Richardson,	Mr. Stockton,
Mr. Humphrey,	Mr. Russell,	Mr. Tinney,

9

The bill being yet under consideration,

Mr. Walker offered the following as an additional section, to wit:

"Sec. 2. That the commissioners of internal improvement be directed in making contracts on the several works of internal improvement, to make them payable in drafts upon the several instalments of the \$5,000,000 loan, yet due from the United States bank, as they may become due, so that the state shall in no way be responsible for their payment, and so that no claim for damages shall be made against the state in consequence of the delay or failure of the payment of said drafts; and if contracts, at a reasonable price, cannot be made under the above restrictions, the commissioners are hereby directed to make no contracts."

Mr. Larue moved to amend the amendment, by inserting the following after the words "become due," to wit: "or from such other fund as may hereafter come into the treasury to the credit of the internal improvement fund."

Which amendment was adopted.

The question recurring upon Mr. Walker's amendment as amended,

Mr. Metcalf moved to further amend the same, by striking out the words following, to wit: "so that the state shall be in no way responsible for their payment."

Which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,
Mr. Copeland,
Mr. Daniels,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,
Mr. Hawley,
Mr. Larue,

Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Renwick,

Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

22

NAYS.

Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Curtis,

Mr. Dolsen,
Mr. Geddes,
Mr. Humphrey,
Mr. Lamb,
Mr. Lee,
Mr. Leech,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,

Mr. Richardson,
Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wood,

27

The question recurring upon the adoption of Mr. Walker's amendment,

On motion of Mr. Metcalf, the House adjourned until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the same members were present as in the forenoon.

The "bill to provide for the further construction of certain works of internal improvement," being yet under considera-

tion, and the question being upon the adoption of Mr. Walker's amendment,

Mr. Hammond offered the following as a substitute therefor, to wit:

"Sec. 2. That the commissioners of internal improvement are directed to make all contracts, under the appropriations made in this act, payable in drafts on the instalments of the five million loan yet due from the United States bank, or from moneys to be received from the Morris canal and banking company, due or to become due, or from the Michigan state bank, expressly stipulating that the state shall not be responsible for any amounts that may be due under contracts, unless the same shall be received as aforesaid, from drafts drawn against the aforementioned items belong to the internal improvement fund; and if no contracts can be made at a reasonable price, upon these conditions, the commissioners are hereby directed to let to contract no part of the works aforesaid, until the estimates already afloat are paid, and then no further than there may be money in the treasury to the credit of the internal improvement fund; and in the latter case, they shall contract for work upon each route, first in a sufficient sum to finish said road as far as now begun, and to each, pro rata."

Which substitute was rejected, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,

Mr. Hammond,
Mr. Humphrey,
Mr. Lamb,
Mr. Lee,
Mr. Leech,
Mr. Philbrick,

Mr. Richardson,
Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Walker, 18

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

The question recurring upon Mr. Walker's amendment, as amended, it was adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Larue,	Mr. Richardson,
Mr. Castle,	Mr. Lee,	Mr. Rogers,
Mr. Clark,	Mr. Leech,	Mr. Root,
Mr. Coates,	Mr. Metcalf,	Mr. Russell,
Mr. Daniels,	Mr. Miller,	Mr. M. Spencer,
Mr. Geddes,	Mr. Morton,	Mr. Strong,
Mr. Gillett,	Mr. Olin,	Mr. Tyler,
Mr. Harding,	Mr. Pierce,	Mr. Walker,
Mr. Humphrey,	Mr. Porter,	Mr. Wilcox,
Mr. Lamb,	Mr. Redfield,	Mr. Willits,

30

NAYS.

Mr. Biddle,	Mr. Curtis,	Mr. Renwick,
Mr. Bingham,	Mr. Dolsen,	Mr. Sprague,
Mr. Brown,	Mr. Hammond,	Mr. Stockton,
Mr. Bush,	Mr. Hawley,	Mr. Tinney,
Mr. Cook,	Mr. Mather,	Mr. Speaker,
Mr. Copeland,	Mr. Philbrick,	

17

Mr. Richardson moved to further amend said bill by adding the following sections after the first section, to wit:

"Sec. 2. And the further sum of thirty thousand dollars, for the completion of the Detroit and Pontiac railroad: *Provided*, said road shall become the property of the state, as provided in the next succeeding sections of this act."

"Sec. 3. There shall be an appraisal of said road, and its appendages, to be made by the acting commissioner of internal improvement, Robert Stuart, of the city of Detroit, and one other person, to be appointed by said railroad company, whose duty it shall be, (after having taken and subscribed an oath, before a magistrate or other proper officer, faithfully to discharge their duty as such appraisers,) to examine said road and its appurtenances, and determine, from such examination, its present cash value. And upon such appraisal being made, the said company shall discharge and cancel all liens and incumbrances on said road, (except the claim of the state upon said road,) and shall execute and deliver to said appraisers, for the use of the state, a deed of conveyance of said road, and its appendages, free and clear from all incumbrances, (except as

above mentioned,) to the satisfaction of said appraisers, or a majority of them, so as to vest the same in the state, or the people thereof."

"Sec. 4. If said appraisal shall exceed the amount due this state from said company, the balance shall be paid to said company, when the preceding section shall have been fully complied with, as is herein provided; but if said appraisal shall fall short of said sum due the state from said company, then, in that case, the deficit shall be paid to the state by said company, as provided in the next succeeding section."

"Sec. 5. When the provisions of the preceding sections shall have been fully complied with, to the satisfaction of said appraisers, and a balance shall be found due said company, then, in that case, the auditor general of this state is hereby authorized and empowered, to issue state script to said company, for the amount so found to be due, redeemable in three years, to be paid out of the internal improvement fund; but if it should appear from such appraisal, that the said company are indebted to this state, after having been allowed the cash value for said road and its appendages, then, in that case, said company shall secure to the people of this state, the amount so found to be due, to the satisfaction of said appraisers, within two years from the time of said appraisal."

Which amendment was rejected, by the following vote:

YEAS.

Mr. Castle,	Mr. Humphrey,	Mr. Richardson,	
Mr. Clark,	Mr. Lamb,	Mr. Russell,	
Mr. Coates,	Mr. Lee,	Mr. Smith,	
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,	12

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,
Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Bingham,	Mr. Larue,	Mr. M. Spencer,
Mr. Brown,	Mr. Leech,	Mr. Sprague,
Mr. Bush,	Mr. Mather,	Mr. Stockton,
Mr. Cook,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Walker,
Mr. Dolsen,	Mr. Olin,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,

Mr. Gillett,	Mr. Redfield,	Mr. Wood,	
Mr. Hammond,	Mr. Renwick,	Mr. Speaker,	36

Mr. Coates moved to amend the first section of said bill by adding thereto, the following, to wit: "the sum of forty thousand dollars shall be appropriated for the completion of the Clinton canal to Mount Clemens; and a further sum of one hundred thousand dollars to be applied for the construction of the Clinton canal west of Pontiac;" which amendment was rejected, by the following vote:

YEAS.

Mr. Bingham,	Mr. Humphrey,	Mr. Russell,	
Mr. Bush,	Mr. Lamb,	Mr. Smith,	
Mr. Castle,	Mr. Lee,	Mr. Stockton,	
Mr. Clark,	Mr. Leech,	Mr. Tinney,	
Mr. Coates,	Mr. Philbrick,	Mr. Wood,	
Mr. Curtis,	Mr. Richardson,		17

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,	
Mr. Biddle,	Mr. Larue,	Mr. Root,	
Mr. Brown,	Mr. Mather,	Mr. M. Spencer,	
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. Miller,	Mr. Strong,	
Mr. Daniels,	Mr. Morton,	Mr. Tyler,	
Mr. Dolsen,	Mr. Olin,	Mr. Walker,	
Mr. Geddes,	Mr. Pierce,	Mr. Wilcox,	
Mr. Gillett,	Mr. Redfield,	Mr. Willits,	
Mr. Harding,	Mr. Renwick,	Mr. Speaker,	30

Mr. Bingham moved to amend the same section by adding the following thereto: "and the further sum of fifty thousand dollars, to be expended on the Detroit and Grand River road at such place as the board of internal improvement shall direct; and they are hereby authorized to erect toll gates on said road to raise a revenue to pay the interest of said appropriation;" which amendment was rejected by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Russell,	
Mr. Bingham,	Mr. Lamb,	Mr. Smith,	
Mr. Bush,	Mr. Lee,	Mr. Stockton,	
Mr. Castle,	Mr. Leech,	Mr. Tinney,	
Mr. Clark,	Mr. Philbrick,	Mr. Walker,	
Mr. Coates,	Mr. Porter,	Mr. Wood,	
Mr. Curtis,	Mr. Richardson,	Mr. Speaker,	
Mr. Hammond,			22

NAYS.

Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,

Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

26

Mr. Bush then offered the same amendment, after striking out "fifty thousand dollars," and inserting in lieu thereof "thirty thousand dollars;" which amendment was rejected by the following vote:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,

Mr. Humphrey,
Mr. Lamb,
Mr. Lee,
Mr. Leech,
Mr. Philbrick,
Mr. Porter,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

21

NAYS.

Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,

Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

28

Mr. Walker moved to amend the first section, by adding the following thereto: "that the unexpended appropriation upon the Northern railroad be expended in making a good wagon road on or as near as may be on the line of said road, under the direction of the commissioners of internal improvement."

Mr. Porter offered the following as a substitute therefor, which was accepted by Mr. Walker, to wit: "that the unexpended balance of the appropriation for the construction of the

Northern railroad, be appropriated and expended to construct a turnpike along, or as near as may be, to the line of said road; which road shall be constructed in such manner as the board of commissioners of internal improvement shall determine; and the said commissioners may cause toll gates to be constructed upon the said road, and regulate the tolls to be paid thereon, in such manner as they shall deem expedient;" which substitute was rejected by the following vote:

YEAS.

Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Humphrey,
Mr. Lamb,
Mr. Lee,
Mr. Philbrick,
Mr. Porter,

Mr. Russell,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

16

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,

Mr. Larue,
Mr. Leech,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,

Mr. Richardson,
Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

31

The question then being upon ordering said bill to a third reading, pending which,

On motion of Mr. Leech, the House adjourned.

Friday, February 19, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. E. H. Pilcher.

The roll being called, Mr. Clark was absent without leave.

Mr. Coates asked and obtained leave of absence for Mr. Clark.

PETITIONS.

By Mr. Daniels. Of the officers of the Bank of Adrian,

relative to taxation of the banks. Referred to the committee on banks and incorporations.

Mr. Pierce presented the claim of John Munroe, for services rendered the state. Referred to the committee on claims.

Mr. Smith presented a statement of claims of the River Raisin and Lake Erie railroad company, by J. Q. Adams, their assignee. Referred to the committee on claims.

The Chair announced a communication from the auditor general, in reply to an inquiry of the House, whether any further legislation was necessary to enable him to settle with the late commissioners of internal improvement; which communication was referred to the committee on the judiciary.

Also, another communication from that officer, in reply to the resolution adopted on the 4th instant, relative to the state of the general fund; which communication was laid on the table and ordered printed.

(See Document, No. 48.)

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, February 18, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House of Representatives, “a bill to amend an act, entitled ‘An act to incorporate the village of Adrian,’ ” which the Senate have passed by a two-thirds vote, and respectfully ask the concurrence of the House therein.

Also, to return to the House, “a bill to amend an act, entitled, ‘An act to incorporate the village of Ypsilanti,’ and the act or acts amendatory thereof,” which the Senate have passed with amendments, by a two-thirds vote, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,

Secretary of the Senate.

The “bill to amend an act, entitled ‘An act to incorporate the village of Adrian,’ ” was twice read and referred to the committee on banks and incorporations.

And the “bill to amend an act, entitled ‘An act to incorpo-

rate the village of Ypsilanti,' and the act or acts amendatory thereof," with the Senate amendments thereto, was ordered to be laid on the table.

RESOLUTIONS AND NOTICES.

On motion of Mr. Smith,

Resolved, That the commissioners under the act to provide for a settlement with the River Raisin and Lake Erie railroad company be, and they are hereby required to report their proceedings under said act, without delay.

On motion of Mr. Stockton,

Resolved, That the committee on the judiciary be instructed to inquire whether any legislation is necessary in cases of vacancies occurring in the office of judge of probate, and report by bill or otherwise.

Mr. Porter gave notice that at some future day, he would ask leave to introduce "a bill to provide for the construction of turnpikes upon the Grand river road, and upon the Northern railroad.

Mr. Daniels gave notice, that at some future day, he would ask leave to introduce "a bill to amend an act entitled 'An act for the preservation of railroads, and other works belonging to the state.' "

By the unanimous consent of the House, Mr. Hammond asked and obtained leave to introduce "a bill defining the powers of the court of chancery in partition;" which bill was read twice, and referred to the committee on the judiciary.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the Senate "bill to incorporate the trustees of the Wesleyan seminary, at Albion;" and, on his motion, the said bill was then recommitted to the committee on banks and incorporations.

UNFINISHED BUSINESS.

On motion of Mr. Metcalf,

The unfinished business of the 16th instant was passed over that the unfinished business of yesterday might then be taken up, it being the question upon ordering the "bill to provide

for the further construction of certain works of internal improvement," to a third reading.

Mr. Leech then moved to amend the first section of said bill, by striking out all after the words "to wit," in the fifth line, and insert the following in lieu thereof, to wit:

"Two hundred thousand dollars for the completion of the Central railroad to Jackson.

"Two hundred thousand dollars for the completion of the Southern railroad to Hillsdale.

"One hundred thousand dollars on the Clinton and Kalamazoo canal, to be expended west of Pontiac.

"Forty thousand dollars on the said canal to be expended east of Rochester.

"Sixty thousand dollars to be expended constructing a turnpike on the line of the Northern railroad, to be taken from a former appropriation for said Northern railroad.

"Twenty thousand dollars on the Grand river canal, heretofore appropriated.

"Twenty-two thousand dollars on the St. Joseph river, heretofore appropriated."

Pending the consideration of which amendment,

Mr. Coates moved to adjourn; which motion did not prevail.

The question then recurring upon Mr. Leech's amendment, it was rejected, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Lamb,
Mr. Lee,
Mr. Leech,
Mr. Philbrick,
Mr. Porter,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Wood,

17

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,

Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,

Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,

Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Olin,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,

Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker, 30

Mr. Leech then offered the following as an additional section to said bill, to wit:

“Section 3. There shall be tolls collected on the Central railroad to an amount sufficient to defray the expense of running and keeping in repair said road, and all machinery; and also, to pay the interest on all appropriations that has been or may be made for the construction of said road.”

Which amendment was rejected by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Coates,
Mr. Curtis,
Mr. Lamb,
Mr. Lee,

Mr. Leech,
Mr. Philbrick,
Mr. Porter,
Mr. Richardson,
Mr. Russell,

Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

16

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,

Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

31

Mr. Smith moved to amend the first section of said bill, by striking out the words, to wit: “Kalamazoo, in the county of Kalamazoo,” and by inserting in lieu thereof, the words, “Marshall, in the county of Calhoun.”

Mr. Metcalf moved to adjourn until half past two o'clock, P. M.; which motion was negatived by the following vote:

YEAS.

Mr. Barlow,
Mr. Bush,
Mr. Castle,
Mr. Coates,

Mr. Lamb,
Mr. Lee,
Mr. Leech,
Mr. Miller,

Mr. Russell,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,

Mr. Curtis,	Mr. Philbrick,	Mr. Walker,	
Mr. Hammond,	Mr. Porter,	Mr. Wood,	
Mr. Humphrey,	Mr. Redfield,		20

NAYS.

Mr. Biddle,	Mr. Harding,	Mr. Rogers,	
Mr. Bingham,	Mr. Hawley,	Mr. Root,	
Mr. Brown,	Mr. Larue,	Mr. Smith,	
Mr. Cook,	Mr. Mather,	Mr. M. Spencer,	
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,	
Mr. Daniels,	Mr. Morton,	Mr. Tyler,	
Mr. Dolsen,	Mr. Olin,	Mr. Wilcox,	
Mr. Geddes,	Mr. Pierce,	Mr. Willits,	
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,	27

The question then recurring upon Mr. Smith's amendment, it was rejected by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Russell,	
Mr. Bush,	Mr. Leech,	Mr. Smith,	
Mr. Castle,	Mr. Philbrick,	Mr. Stockton,	
Mr. Coates,	Mr. Porter,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Humphrey,	Mr. Richardson,	Mr. Speaker,	
Mr. Lamb,			19

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,	
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,	
Mr. Brown,	Mr. Larue,	Mr. Root,	
Mr. Cook,	Mr. Mather,	Mr. M. Spencer,	
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,	
Mr. Daniels,	Mr. Miller,	Mr. Strong,	
Mr. Dolsen,	Mr. Morton,	Mr. Tyler,	
Mr. Geddes,	Mr. Olin,	Mr. Wilcox,	
Mr. Gillett,	Mr. Pierce,	Mr. Willits,	27

Mr. Richardson moved to adjourn until three o'clock, P. M.; which motion was negatived.

Mr. Leech then moved to adjourn until to-morrow morning at ten o'clock; which motion did not prevail.

Mr. Stockton moved a call of the House; which motion was not sustained.

Mr. Porter moved to amend said bill, by adding the following section thereto, to wit:

"Section 3. There shall be tolls collected upon the Central

and Southern railroads, sufficient to pay the expense of keeping said roads in repair, and also to pay the interest of the appropriations expended upon said roads."

Mr. Smith moved to amend the amendment, by adding the following words thereto, to wit: "in proportion to their respective cost;" which was accepted by Mr. Porter.

Mr. Richardson again moved to adjourn.

Which motion was negatived by the following vote:

YEAS.

Mr. Barlow,	Mr. Curtis,	Mr. Richardson,	
Mr. Bush,	Mr. Lee,	Mr. Smith,	
Mr. Coates,	Mr. Leech,	Mr. Tinney,	9

NAYS.

Mr. Biddle,	Mr. Humphrey,	Mr. Root,	
Mr. Brown,	Mr. Lamb,	Mr. M. Spencer,	
Mr. Cook,	Mr. Larue,	Mr. Sprague,	
Mr. Copeland,	Mr. Metcalf,	Mr. Stockton,	
Mr. Daniels,	Mr. Miller,	Mr. Strong,	
Mr. Dolsen,	Mr. Olin,	Mr. Tyler,	
Mr. Geddes,	Mr. Pierce,	Mr. Walker,	
Mr. Gillett,	Mr. Redfield,	Mr. Wilcox,	
Mr. Harding,	Mr. Renwick,	Mr. Willits,	
Mr. Hawley,	Mr. Rogers,	Mr. Speaker,	30

The question recurring upon Mr. Porter's amendment,

After some discussion, he withdrew the same.

Mr. Stockton moved to amend the first section of said bill, by inserting the following after the words "to wit," in the fifth line:

"For the Clinton and Kalamazoo canal, sixty thousand dollars, to be expended in finishing said canal east of Rochester, and in connecting the same with Lake St. Clair, by the way of the Clinton river; which connection shall be formed from Mount Clemens to Belvidere, by means of a towing path along the northerly bank of said Clinton river, and cutting across some of the bends of said river, according to the recommendation of the board of internal improvement, and to the survey thereof, heretofore made by order of said board, as referred to in the report of said board, contained on pages 664, 665 and 666, of the documents of the House of Representatives of this state, for 1839."

Which amendment was rejected by the following vote:

YEAS.

Mr. Castle,
Mr. Coates,
Mr. Humphrey,
Mr. Lamb,
Mr. Lee,

Mr. Leech,
Mr. Philbrick,
Mr. Porter,
Mr. Russell,

Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Wilcox,

13

NAYS.

Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Larue,
Mr. Metcalf,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,
Mr. Rogers,

Mr. Root,
Mr. M. Spenser,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Willits,
Mr. Speaker,

25

Mr. Pierce moved the previous question, and the call was sustained by the following vote:

YEAS.

Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,

Mr. Renwick,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,

24

NAYS.

Mr. Biddle,
Mr. Castle,
Mr. Coates,
Mr. Humphrey,
Mr. Lamb,
Mr. Lee,

Mr. Leech,
Mr. Miller,
Mr. Philbrick,
Mr. Rogers,
Mr. Russell,

Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Speaker,

16

Mr. Smith again moved to adjourn; which motion did not prevail.

Mr. Smith then moved a call of the House; which motion was not sustained.

The question then being, "shall the main question be now put?" and the same was decided in the affirmative.

The main question then being upon ordering said bill to a third reading, it prevailed by the following vote:

YEAS.

Mr. Biddle,	Mr. Humphrey,	Mr. Root,
Mr. Brown,	Mr. Lamb,	Mr. M. Spencer,
Mr. Castle,	Mr. Larue,	Mr. Sprague,
Mr. Cook,	Mr. Mather,	Mr. Strong,
Mr. Copeland,	Mr. Metcalf,	Mr. Tyler,
Mr. Daniels,	Mr. Miller,	Mr. Walker,
Mr. Dolsen,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Olin,	Mr. Willits,
Mr. Gillett,	Mr. Pierce,	Mr. Wood,
Mr. Harding,	Mr. Renwick,	Mr. Speaker,
Mr. Hawley,	Mr. Rogers,	

32

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Coates,	Mr. Philbrick,	Mr. Stockton,
Mr. Hammond,	Mr. Russell,	Mr. Tinney,
Mr. Lee,		

10

And, on motion of Mr. Biddle, the bill was ordered now to be read a third time.

And the said bill was then read a third time and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Root,
Mr. Biddle,	Mr. Larue,	Mr. Smith,
Mr. Brown,	Mr. Metcalf,	Mr. M. Spencer,
Mr. Castle,	Mr. Miller,	Mr. Sprague,
Mr. Cook,	Mr. Morton,	Mr. Strong,
Mr. Copeland,	Mr. Olin,	Mr. Tyler,
Mr. Daniels,	Mr. Pierce,	Mr. Walker,
Mr. Dolsen,	Mr. Porter,	Mr. Wilcox,
Mr. Geddes,	Mr. Redfield,	Mr. Willits,
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,
Mr. Harding,	Mr. Rogers,	

32

NAYS.

Mr. Bingham,	Mr. Hammond,	Mr. Philbrick,
Mr. Bush,	Mr. Humphrey,	Mr. Russell,
Mr. Coates,	Mr. Lee,	Mr. Stockton,
Mr. Curtis,	Mr. Leech,	Mr. Tinney,

12

The title of said bill being under consideration,

Mr. Porter offered the following as a substitute therefor, to wit:

“A bill to appropriate moneys for the construction of the Central and Southern railroads.”

Which substitute was not adopted.

The title of said bill was then adopted.

On motion of Mr. Renwick, the House adjourned, until to-morrow morning at 10 o'clock.

Saturday, February 20, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. E. H. Pilcher.

The roll being called, Mr. Stockton was absent without leave.

Mr. Metcalf asked and obtained leave of absence for Mr. Stockton.

PETITIONS.

By the Speaker. Of inhabitants of Lawrence, Van Buren county, for the organization of a new township by the name of Salem. Referred to the committee on towns and counties.

By Mr. Pierce. Of inhabitants of Ann Arbor, Washtenaw county, for the passage of a law making real estate available on judgments, at two-thirds its appraised value. Laid on the table, a report having been made upon that subject.

REPORTS.

Mr. Copeland, from the committee on towns and counties, to which was referred a petition of inhabitants of Owasso, Shiawassee county, for the organization of a new township, reported adversely to any legislative action upon the subject, the requisite notice not having been given; and the committee asked to be, and were discharged from its further consideration.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, February 20, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the instructions of the Senate, I

transmit to the House of Representatives, "a bill to amend chapter one, title four, part one of the revised statutes," which the Senate have passed, and respectfully ask the concurrence therein of the House of Representatives.

Also, return herewith, "a bill to provide for the compensation of township collectors;" which the Senate have concurred in and passed.

D. W. KELLOGG,
Secretary of the Senate.

And the "bill to amend chapter one, title four, part one of the revised statutes," was twice read and referred to the committee on ways and means.

RESOLUTIONS AND NOTICES.

Mr. Humphrey offered the following joint resolution, which was laid on the table for one day, according to rule:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement are hereby authorized and required to extend the Southern state railroad, to the village of Jonesville, in the county of Hillsdale.

Also, on his motion, the following resolution was adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending section nine, chapter seven, title two, part three of the revised statutes, (page 451,) so that the same shall read as follows:

"In all cases when judgment is rendered in any court of record, or by decree in chancery, upon any bond, mortgage, sealed bill, bill of exchange, promissory note, or indorsement of the same, or upon any guaranty of any promissory note, bill of exchange, bond, or other instrument in writing, or upon any other contract, or instrument in writing, and it shall be made to appear to the court by parol or other testimony, that any one or more persons so bound or liable, signed such bond, mortgage, sealed bill, promissory note, indorsement, or guaranty, or other instrument, as surety, bail, indorser, security or guarantor, it shall be the duty of the clerk of the court, in recording judgment or decree therein, to certify who is the principal

debtor, and who is security, indorser, surety, bail, or guarantor on the same; and no execution shall issue on any such judgment or decree, until after judgment or decree shall have been rendered against the principal debtor, and execution issued and returned thereon against the goods, chattels, lands and tenements of the principal debtor; and, in all cases, the property, both real and personal, of the principal debtor, shall be exhausted before any personal or real property of the security, bail, indorser, or guarantor, shall be taken in execution; and any execution against the security, bail, indorser, or guarantor, shall be for so much only as remains unsatisfied of the execution against such principal debtor;" and that said committee report by bill or otherwise.

Mr. Metcalf gave notice, that he should at some future day, ask leave to introduce "a bill to incorporate the Clinton and Kalamazoo canal company, and for other purposes;" also, "a bill to provide for the collection of certain unpaid taxes for the year 1839, in the county of St. Joseph.

Mr. M. Spencer, pursuant to previous notice, asked and obtained leave to introduce "a bill to provide for the exemption of certain property from execution;" which was twice read and referred to the committee on the judiciary.

Mr. Walker, by unanimous consent, introduced "a bill relative to the duty of county commissioners in certain cases;" which was twice read and referred to the committee on ways and means.

On motion of Mr. Walker,

A select committee of five was ordered to be appointed "on the geological department."

Mr. Coates then moved that the annual report of the state geologist be now referred to said committee; which motion was negatived.

Mr. Porter, with the consent of the House, read a communication from Louis Rendt, respecting the emigration of Germans to the United States, and suggesting the appointment of an agent by the state, to induce them to settle in this state.

Mr. Porter then offered the following resolution, which was adopted:

Resolved, That this letter be referred to the committee on ways and means, and that they be requested to inquire into the expediency of taking measures to adopt the suggestions therein contained.

On motion of Mr. Biddle,

The House again went into committee of the whole on the Senate "bill to reduce the minimum price of the university and school lands, and for the relief of certain purchasers thereof;" also, on the House "bill to reduce the price of university and school lands;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again; and the amendments to said bill, suggested by the committee on university and school lands, were ordered printed.

On motion of Mr. Hammond,

The House went into committee of the whole on Senate "bill relative to the sale of real and personal estate on execution;" Mr. Willcox in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again; and,

On motion of Mr. Hammond,

The said bill was ordered printed.

On motion of Mr. Walker,

The House again went into committee of the whole on the "bill amendatory to 'An act to amend the revised statutes, 'relative to primary schools,' ' approved April 1, 1840;" Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

Mr. Walker moved that the said bill be made the special order of the day for Monday next, and for every day thereafter, until the same is disposed of.

Mr. Coates moved to amend the motion by striking out "Monday," and inserting in lieu thereof, "Tuesday;" which motion did not prevail.

The question then recurring upon the motion of Mr. Walker, the same prevailed.

On motion of Mr. Hammond,

The House then adjourned until Monday next, at 10 o'clock,
A. M.

Monday, February 22, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Messrs. Curtis, Geddes, Olin and Tyler, were absent without leave.

LEAVE OF ABSENCE.

Mr. Bush asked and obtained leave of absence for Mr. Curtis, for one day.

Mr. Renwick for Mr. Geddes, until Wednesday next.

Mr. M. Spencer for Mr. Olin, on account of indisposition.

Mr. Metcalf for Mr. Tyler, for one day.

PETITIONS.

By Mr. Rogers. Two several petitions of 340 inhabitants of Washtenaw county, praying the passage of a law making real and personal estate available on judgments, at two-thirds its appraised value.

Laid on the table, a report having been made upon that subject.

By the Speaker. Of Darius Comstock, and others, of Lenawee county, asking the passage of a law giving to fugitive slaves, the right of trial by jury. Referred to the committee on the judiciary.

By Mr. Daniels. Of sundry inhabitants of Lenawee county, for the abolishment of the office of county commissioners, and the reestablishment of the supervisor system. Referred to the committee on the judiciary.

By Mr. Barlow. Of sundry inhabitants of Kent and Barry counties, asking for the incorporation of a company to improve the navigation of Thornapple river, from its mouth to Bull's Prairie. Referred to the committee on banks and incorporations.

By Mr. Wilcox. Of sundry inhabitants of Adrian, asking

Which motion did not prevail.

Mr. Pierce moved to further amend said bill, by striking out the word "ten," in the first sub-division of section twenty-five, and inserting in lieu thereof, "thirty."

Which motion was negatived.

The said bill was then ordered engrossed for a third reading.

On motion of Mr. Bingham, the House adjourned until tomorrow morning, at ten o'clock.

Tuesday, February 23, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, the members were all present, except those absent on leave.

PETITIONS.

By Mr. Stockton. Of sundry citizens of this state, for the passage of the appraisal and exemption bills. Laid on the table, a report having been made upon that subject.

By Mr. G. Spencer. A remonstrance of citizens of Ypsilanti, Washtenaw county, against the passage of the appraisal bill. Laid on the table, a report having been made upon that subject.

By Mr. Castle. Of inhabitants of Clinton and Shiawassee counties, three several petitions for the organization of certain townships. Referred to the committee on towns and counties.

By Mr. Tyler. Of inhabitants of St. Joseph county, for a further suspension of specie payments by the banks. Referred to the select committee on the banks and the currency.

By Mr. Barlow. Of inhabitants of Allegan county, asking for the abolishment of the office of county commissioners and for the reestablishment of the supervisor system. Referred to the committee on the judiciary.

REPORTS.

Mr. Strong, from the select committee appointed to investigate the affairs and condition of the Bank of Michigan and the Farmers' and Mechanics' bank of Michigan, submitted a report thereon, which was read; and,

On motion of Mr. Wilcox,

The report, and accompanying documents, were laid on the table and ordered printed.

(*See Document, No. 50.*)

Mr. Barlow, from the committee on banks and incorporations, to which was referred the "bill to incorporate the Saline manufacturing company of the county of Washtenaw," reported the same back to the House, with an amendment, and recommended its passage.

And the bill was then referred to the committee of the whole and placed on the general order.

Mr. Hammond, from the committee on banks and incorporations, to which was referred the petition of inhabitants of Shiawassee county, praying the legislature to compel A. L. Williams and B. O. Williams to comply with the law passed March 28, 1836, submitted a report thereon, concluding that no legislative action is necessary in the premises; the report,

On motion of Mr. Castle,

Was ordered to lie on the table, and be printed.

(*See Document, No. 51.*)

Mr. Hawley, from the committee on the state prison, reported "a bill making further appropriations for continuing the building of the state prison;" which was twice read and referred to the committee of the whole, and placed on the general order.

Mr. Porter, from the committee on banks and incorporations, to which was referred the Senate "bill to incorporate the trustees of the Wesleyan seminary, at Albion," reported the same back to the House, with sundry amendments.

The said bill was then referred to the committee of the whole and placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which was referred the petition of inhabitants of Port Ma-

son, Ontwa and Milton, in Cass county, for an alteration of the bounds of said towns; also, the remonstrance against the same; also, the petition of inhabitants of Lawrence, Van Buren county, for the organization of a township, reported adversely to the prayer of the petitioners, the required notice not appearing to have been given; and,

Upon his motion, the committee was discharged from their further consideration.

Also, from the same committee, to which was referred the Senate "bill to alter the boundary of the township of Kearsley, in the county of Genesee," reported the same back to the House.

And it was then referred to the committee on the judiciary, and placed on the general order.

Mr. Harding, from the committee on the judiciary, to which was referred "a bill to amend an act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834," reported the same back to the House, with sundry amendments, and recommended its passage.

And the bill was then referred to the committee of the whole, and placed on the general order.

Mr. Metcalf, from the committee on internal improvement, reported, "a bill making an appropriation for the further construction and preservation of the Clinton and Kalamazoo canal;" which bill was twice read, and referred to the committee of the whole, and placed on the general order.

The following bills were then introduced on leave, and according to previous notice, to wit:

By Mr. Porter. "A bill to provide for the construction of turnpikes upon the northern railroad, and the Grand river road; twice read, and referred to the committee on internal improvement.

By Mr. G. Spencer. "A bill to authorize the anticipation of certain instalments of the five million loan;" twice read, and referred to the select committee on the banks and currency.

By Mr. Renwick. "A bill to abolish the office of county commissioners, and reestablish a board of supervisors;" twice read, and referred to the committee on ways and means.

Also, "a bill to provide for the taxing of costs in the circuit court;" read twice, and referred to the committee on the judiciary.

On motion of Mr. Hammond,

The select committee on the banks and currency, was discharged from the further consideration of the "bill to authorize the anticipation of certain instalments of the five million loan;" also, from the "bill to authorize the issue of state bonds, and the loan of them to the banks therein named;" and,

The said bills were then laid on the table and ordered printed.

RESOLUTIONS AND NOTICES.

Mr. Hammond offered the following resolution:

Resolved, That the select committee raised to investigate the condition of certain banks, be, and they are hereby discharged from any further investigation of the affairs and condition of the Farmers' and Mechanics' bank, of this city; which resolution,

On motion of Mr. Porter,

Was laid on the table for one day.

On motion of Mr. Smith,

Resolved, That the commissioners of internal improvement be, and they are hereby requested to report the name of the receiver of tolls at Detroit, his employment, the fund out of which he is paid, and the authority by which said office was created.

Mr. Smith laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this state be proposed, and that the same be referred to the legislature next to be chosen, and be published, in pursuance of the provisions of the first section of the thirteenth article of said constitution, viz:

That so much of the 4th section of the 4th article of the constitution aforesaid, as prescribes the time for the election of representatives in the state legislature, and which is in these words, to wit: "shall be chosen annually," shall be stricken out, and that the following be substituted in the place thereof, to wit: "shall be chosen biennially."

And that so much of the 5th section of the 4th article of the constitution aforesaid, as prescribes the time at which the seats of senators of the first class shall be vacated, and which is in these words, to wit: "at the expiration of the first year," be stricken out, and that the following be substituted in the place thereof, to wit: "at the expiration of the second year."

And that so much of the 5th section of the 4th article of the constitution aforesaid, as prescribes the time at which the seats of senators of the second class shall be vacated, and which is in these words, to wit: "at the expiration of the second year," be stricken out, and that the following be substituted in the place thereof, to wit: "at the expiration of the fourth year."

And that so much of the 5th section of the 4th article of the constitution aforesaid, as prescribes the time of the election of one half of the senators in the state legislature, and which is in these words, to wit: "shall be chosen annually," be stricken out, and that the following be substituted in the place thereof, to wit: "shall be chosen biennially."

And that so much of the 21st section of the 4th article of the constitution aforesaid, as prescribes the time of the meeting of the legislature, and which is in these words, to wit: "shall meet on the first Monday in January, in every year," be stricken out, and the following be substituted in the place thereof, to wit: "shall meet on the first Monday in January, biennially; that is to say, in the year one thousand eight hundred and forty three, in the year one thousand eight hundred and forty-five, and in every odd year thereafter."

And that so much of the 9th section of the 5th article of the constitution aforesaid, as prescribes the period of the adjournment of the legislature, by the executive, and which is in these words, to wit: "the next annual meeting," be stricken out, and that the following be substituted in the place thereof, to wit: "the next biennial meeting."

And that so much of the seventeenth section of the fifth article of the constitution aforesaid, as prescribes the time for the election of the governor or lieutenant governor, in case of vacancy, and which is in these words, to wit: "annual elec-

tion," be stricken out, and that the following be substituted in the place thereof, to wit: "biennial election."

Mr. Smith moved that the above resolution be printed; which motion did not prevail.

Mr. Smith gave notice that he should on some future day, ask leave to bring in a bill to amend chapter seven, title two, part three, of the revised statutes, entitled "of judgments in courts of record, and execution thereon.

The "bill to provide for the laying out of certain state roads, and for other purposes," was then read a third time, and the question being upon its passage,

On motion of Mr. Mather,

The said bill was then recommitted to the committee on roads and bridges.

On motion of Mr. Hammond,

The "bill relative to the sale of real and personal estate was made the special order for Tuesday next.

The Chair announced a special message from the executive, transmitting certain joint resolutions of the general assembly of the state of Alabama, concerning the transmission to the several states, the reports of the decisions of the supreme court of that state.

Also, certain resolutions of the legislature of the state of Kentucky, proposing such an amendment of the constitution of the United States, as to restrict the president from serving more than one term; which message and accompanying documents were,

On motion of Mr. G. Spencer, referred to the committee on the judiciary.

Also, a message from the executive accepting the office of United States senator, and tendering his resignation of the office of governor; which,

On motion of Mr. Hammond, was laid on the table, and ordered printed.

(See Document, No. 52.)

On motion of Mr. Porter,

The House went into committee of the whole on the Senate

"bill to prescribe the powers and duties of justices of the peace in civil proceedings," Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. G. Spencer, the House adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Bingham, Copeland, Curtis, Walker and Wood, were absent without leave.

On motion of Mr. Metcalf,

The House again went into committee of the whole, on the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings," Mr. Hammond in the chair.

After some time spent thereon, the committee rose, and reported progress, and asked and obtained leave to sit again.

Mr. Brown asked and obtained leave of absence for Mr. Walker on account of indisposition.

Mr. Pierce obtained leave to present a petition from sundry inhabitants of Hillsdale county, relative to the extension of the Southern railroad; which was referred to the committee on internal improvement.

On motion of Mr. Hammond,

The special message of the executive, of this morning, tendering his resignation, &c., was ordered to be transmitted to the Senate.

The Chair announced as the select committee "on the geological department," in pursuance of the order on Saturday, Messrs. Coates, Miller, Smith, Bingham and Larue.

On motion of Mr. Hammond,

The annual report of the state geologist was then referred to said committee; and,

On motion of Mr. Coates,

The communication of the state geologist of the 8th instant, relative to the state and county maps, now in progress in that department, was referred to the same committee.

Mr. Hammond moved to adjourn, until 10 o'clock to-morrow morning.

Mr. Cook moved to amend the motion by striking out "10" and inserting in lieu thereof "9;" which motion was negatived.

The motion of Mr. Hammond then prevailed, and the House accordingly adjourned.

Wednesday, February 24, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Messrs. Curtis and Miller were absent without leave.

PETITIONS.

By Mr. Daniels. Of inhabitants of Rollin, Lenawee county, for a state road. Referred to the committee on roads and bridges.

By Mr. Pierce. Of citizens of Ingham county, that Daniel Lockwood and others may be authorized to erect a dam across the Grand river. Referred to the committee on roads and bridges.

By Mr. Castle. Three several petitions of citizens of that part of Michigan, interested in the completion of the Saginaw canal, for an appropriation upon that work. Referred to the committee on internal improvement.

By Mr. Bush. Of inhabitants of Livingston county, for the abolition of the office of county commissioners. Referred to the committee on the judiciary.

By Mr. Humphrey. Of citizens of Pontiac, Oakland county, that the legislature may take some measures to preserve the currency of the state. Referred to the select committee upon investigation of banks.

Mr. Coates presented the remonstrance of citizens of Pontiac, Oakland county, against the passage of a law authorizing the loan of state bonds to any of the banks of this state. Referred to the same committee.

By Mr. Sprague. Of citizens of Lenawee county, for the reduction of the price of university and school lands.

By Mr. Stockton. Of sundry citizens of the state, for the passage of the appraisal and exemption bills.

By Mr. Willits. Two several petitions of inhabitants of Hillsdale county, for a reduction of the price of school lands.

Mr. G. Spencer presented a remonstrance of citizens of Washtenaw county, against the passage of the (so called) appraisal bill.

All of which petitions were laid on the table, reports having been made upon the several subjects thereof.

Mr. Stockton presented the claim of J. S. Bond, for attendance on a committee of the House of Representatives in 1839, as a witness.

Mr. Cook presented the claim of Lewis Hall, for services rendered the state.

Both of which were referred to the committee on claims.

Mr. Metcalf, from the committee on internal improvement, reported "a bill amendatory to an act entitled 'An act for the preservation of railroads belonging to this state,' approved December 30, 1838;" which bill was twice read, referred to the committee of the whole and placed on the general order.

Mr. Smith, pursuant to previous notice, asked and obtained leave to introduce "a bill to amend chapter seven, title two, part three of the revised statutes, entitled 'of judgments in courts of record, and execution thereon;'" which bill was read twice and referred to the committee on the judiciary.

On motion of Mr. Smith,

The House took up the joint resolution offered by him and laid on the table yesterday, proposing certain amendments to the constitution of this state; and upon his motion, the same was referred to a select committee of three.

A committee from the Senate was announced, which informed the House that the Senate had elected the honorable Thomas J. Drake, for their President, *pro tempore*, in pursuance of the provision of the constitution.

RESOLUTIONS.

Mr. Biddle offered the following resolution:

Resolved, That Lemuel Goodell, Ammon Brown, George

W. Ferrington, John Scott, Elijah J. Roberts, Samuel Phillips, and Daniel Goodell, claimants to seats in this House, from the county of Wayne, shall, upon application, receive the same mileage to which members of this House are entitled by law, and to the same per diem allowance, from the commencement of the present session of the legislature, to the 25th January, when the final decision was made upon the claims of said persons to such seats.

Mr. G. Spencer moved to refer the said resolution to the committee on claims; which motion did not prevail.

The said resolution was then adopted.

Mr. Bush offered the following resolution:

Resolved, That the state printer be requested to submit to this House, copies of his account, item by item, for printing for the last session of the legislature, for which he received appropriations by an act entitled "An act to provide for the payment of certain claims therein named," approved April 1, 1840.

Mr. Porter moved to amend the resolution by adding the following thereto, which was accepted by Mr. Bush, to wit:

"And also, that John S. Bagg be requested to furnish the items of his account for state printing, during the years 1837, 1838 and 1839, in order that this body may judge of the reasonableness of such accounts.

Mr. Metcalf then moved to refer the whole subject to the committee on printing; which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Geddes,	Mr. Porter,
Mr. Biddle,	Mr. Gillett,	Mr. G. Spencer,
Mr. Brown,	Mr. Harding,	Mr. Sprague,
Mr. Castle,	Mr. Hawley,	Mr. Strong,
Mr. Cook,	Mr. Larue,	Mr. Tyler,
Mr. Copeland,	Mr. Mather,	Mr. Wilcox,
Mr. Daniels,	Mr. Metcalf,	Mr. Willits,
Mr. Dolsen,	Mr. Morton,	Mr. Speaker,

24

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Bush,	Mr. Philbrick,	Mr. M. Spencer,
Mr. Coates,	Mr. Pierce,	Mr. Stockton,

Mr. Clark,
Mr. Hammond,
Mr. Lamb,
Mr. Lee,

Mr. Redfield,
Mr. Rogers,
Mr. Root,
Mr. Russell,

Mr. Tinney,
Mr. Walker,
Mr. Wood,

20

On motion of Mr. Leech,

Resolved, That the judiciary committee be requested to inquire into the propriety of repealing section twenty-seven, chapter three, title three, part first, of the revised statutes; also, into the propriety of repealing so much of section fifty-eight, chapter three, title three, part first, of the revised statutes, as requires the register of deeds to keep his office at the seat of justice.

On motion of Mr. Wood,

Resolved, That the committee on ways and means be requested to inquire into the propriety of remitting the state taxes for the county of Chippewa, and report by bill or otherwise.

On motion of Mr. Hammond,

The House took up for consideration the resolution offered by him and laid on the table yesterday, relative to the Farmers' and Mechanics' bank, of the city of Detroit.

He then moved to amend the resolution by adding the following thereto, to wit: "unless said bank shall consent to the course of examination proposed by the committee, and assented to by the Bank of Michigan."

On motion of Mr. G. Spencer, the resolution and amendment were then laid on the table.

On motion of Mr. G. Spencer,

The House again resolved itself into committee of the whole on the "bill to prescribe the powers and duties of justices of the peace in civil proceedings," Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. G. Spencer, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Bingham, Curtis, Lamb, Miller and Stockton, were absent without leave.

Mr. Tyler asked and obtained leave of absence for Mr. Miller on account of indisposition, and for Mr. Lamb until Tuesday next.

On motion of Mr. Metcalf,

The House again resolved itself into committee of the whole on the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings," Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported progress, and asked and obtained leave to sit again.

Mr. Richardson offered the following resolution, which was adopted, to wit:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law, as to permit the clerks of the circuit courts to assess the damages in all cases of default, where the action is founded on promissory notes, or bills of exchange, and where to the special count are added the common counts, without the necessity of continuing a *nolle prosequere*, on said common counts; to report by bill or otherwise.

On motion of Mr. Hammond,

The clerk was directed to respectfully request from the state treasurer, a response to the resolution adopted by this House, on the 6th instant, relative to taxes paid by the banks of this state.

On motion of Mr. Coates, the House adjourned.

Thursday, February 25, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Mr. Bingham was absent without leave.

PETITIONS.

By Mr. Wilcox. Of inhabitants of Dearborn, for an alteration of the boundary line between that township and the township of Ecorse.

Mr. Clark,
Mr. Hammond,
Mr. Lamb,
Mr. Lee,

Mr. Redfield,
Mr. Rogers,
Mr. Root,
Mr. Russell,

Mr. Tinney,
Mr. Walker,
Mr. Wood,

20

On motion of Mr. Leech,

Resolved, That the judiciary committee be requested to inquire into the propriety of repealing section twenty-seven, chapter three, title three, part first, of the revised statutes; also, into the propriety of repealing so much of section fifty-eight, chapter three, title three, part first, of the revised statutes, as requires the register of deeds to keep his office at the seat of justice.

On motion of Mr. Wood,

Resolved, That the committee on ways and means be requested to inquire into the propriety of remitting the state taxes for the county of Chippewa, and report by bill or otherwise.

On motion of Mr. Hammond,

The House took up for consideration the resolution offered by him and laid on the table yesterday, relative to the Farmers' and Mechanics' bank, of the city of Detroit.

He then moved to amend the resolution by adding the following thereto, to wit: "unless said bank shall consent to the course of examination proposed by the committee, and assented to by the Bank of Michigan."

On motion of Mr. G. Spencer, the resolution and amendment were then laid on the table.

On motion of Mr. G. Spencer,

The House again resolved itself into committee of the whole on the "bill to prescribe the powers and duties of justices of the peace in civil proceedings," Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. G. Spencer, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Bingham, Curtis, Lamb, Miller and Stockton, were absent without leave.

Mr. Tyler asked and obtained leave of absence for Mr. Miller on account of indisposition, and for Mr. Lamb, until Tuesday next.

On motion of Mr. Metcalf,

The House again resolved itself into committee of the whole on the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings," Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported progress, and asked and obtained leave to sit again.

Mr. Richardson offered the following resolution, which was adopted, to wit:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law, as to permit the clerks of the circuit courts to assess the damages in all cases of default, where the action is founded on promissory notes, or bills of exchange, and where to the special count are added the common counts, without the necessity of continuing a *nolle prosequere*, on said common counts; to report by bill or otherwise.

On motion of Mr. Hammond,

The clerk was directed to respectfully request from the state treasurer, a response to the resolution adopted by this House, on the 6th instant, relative to taxes paid by the banks of this state.

On motion of Mr. Coates, the House adjourned.

Thursday, February 25, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Mr. Bingham was absent without leave.

PETITIONS.

By Mr. Wilcox. Of inhabitants of Dearborn, for an alteration of the boundary line between that township and the township of Ecorse.

By Mr. Biddle. Of inhabitants of the town of Ecorse upon the same subject.

Both of which petitions were referred to the committee on towns and counties.

By Mr. Tyler. Of citizens of both political parties of St. Joseph county, for a further suspension of specie payments by the Bank of Michigan. Referred to the select committee upon investigation of banks.

By Mr. M. Spencer. A remonstrance from inhabitants of Calhoun county, against the laying out a certain state road.

By Mr. Castle. A remonstrance of Sanford Clark and others, against the laying out of a certain state road in Shiawassee county.

Both of which petitions were referred to the committee on roads and bridges.

By Mr. Stockton. Of inhabitants of Lenawee county, for the passage of the (so called) appraisal bill.

By Mr. Larue. Of N. Bacon and others, for relief to Frederick F. Perkins, a purchaser of university lands.

By Mr. Tyler. Of citizens of St. Joseph county, for a reduction of the price of university and school lands.

By the same. Of citizens of St. Joseph county, for the passage of a law respecting the assessment of damages occasioned by the flowing of lands by mill dams.

By Mr. Castle. Of inhabitants of Shiawassee county, that A. L. and B. O. Williams may be compelled to comply with the law which authorizes them to build a dam across the Shiawassee river.

All of which petitions were laid on the table, reports having been made upon the several subjects thereof.

Mr. Porter presented the claim of Theodore Bathy, for work done on the Northern railroad.

Mr. Harding presented the claim of I. C. Stephens, for services rendered the state in 1837.

Mr. Wood presented the claim of W. H. Wilder, for services as assistant engineer on the Clinton and Kalamazoo canal.

Which claims were severally referred to the committee on claims.

REPORTS.

Mr. Metcalf, from the committee on internal improvement, to which was referred the petition of a convention of citizens of Calhoun, Branch and St. Joseph counties, for the survey of a canal route from Jackson to Three Rivers, reported that in the opinion of the committee, no legislation on the subject is expedient; and the committee,

Upon his motion, were discharged from its further consideration.

Mr. Copeland, from the committee on towns and counties, reported "a bill to define the eastern and southern boundaries of the township of Dearborn;" which was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Brown, from the committee on banks and incorporations, to which was referred the Senate "bill to amend an act entitled 'An act to incorporate the village of Adrian,'" reported the same back to the House, with amendments; and the bill was then referred to the committee of the whole, and placed on the general order.

Mr. Smith, from the committee on the militia, to which was referred the claim of Samuel Clements, for services as brigade inspector, asked to be discharged from its further consideration, and moved its reference to the committee on claims.

And the committee was accordingly discharged, and the reference so made.

Mr. G. Spencer, from the committee on the judiciary, to which was referred sundry petitions praying the abolition of the office of county commissioners, asked to be discharged from its further consideration, and moved that they be referred to the committee on ways and means.

And the committee was discharged, and the petitions were so referred.

The same, from the same committee, to which was referred the "bill to provide for the taxing of costs in the circuit court," reported the same back to the House without amendment, and

recommended its passage; and the bill was referred to the committee of the whole and placed on the general order.

The same, from the same committee, to which was referred sundry resolutions and petitions relative to the fee bill, reported "a bill to amend an act, entitled 'An act to regulate and prescribe the amount of fees,' approved April 1, 1840;" which was twice read, referred to the committee of the whole and placed on the general order.

Mr. Walker, from the committee on education, to which was referred so much of the governor's message, and of the report of the superintendent of public instruction, as relates to the subject of education, together with a communication from the board of regents, submitted a report thereon, accompanied by "a bill relative to the duties of superintendent of public instruction, and for other purposes."

(*See Document, No. 53.*)

Mr. G. Spencer moved that the report be recommitted to the committee on education, with instructions to report the same back to-morrow; which motion did not prevail.

On motion of Mr. Hammond,

The report was then laid on the table and ordered printed; and

The accompanying bill was twice read and referred to the committee of the whole, and placed on the general order.

Mr. Porter, from the committee on the judiciary, to which was referred the resolutions of the general assembly of the commonwealth of Kentucky, transmitted to this House by the executive of this state, relative to an amendment of the constitution of the United States, so as to restrict the president from serving more than one term, reported that any legislative action, at this time, upon the said resolutions, was inexpedient; and,

Upon his motion, the committee was discharged from the further consideration of the subject.

Also, from the same committee, to which was referred certain resolutions from the legislature of the state of Alabama, relative to the transmission to the several states of the Union,

copies of the reports of the decisions of the supreme court of that state, reported the following joint resolution:

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of this state be, and he is hereby authorized and directed to send to the executive of the state of Alabama, a copy of the report of the decisions of the supreme court, and court of chancery, as the same may be published from time to time.

Which resolution was laid on the table for one day, according to rule.

RESOLUTIONS.

On motion of Mr. Metcalf,

Resolved, That after Monday next, until otherwise ordered, this House will meet at 9 o'clock, A. M., each day.

On motion of Mr. Hammond,

Resolved, That the committee on the judiciary be instructed to inquire whether any further legislation is necessary, in the matter of foreclosing mortgages by advertisement, in order to pass the title as against third persons.

Mr. Coates offered the following resolution:

Resolved, That in the opinion of this House, the adoption of the following resolutions by the House of Representatives, during the last session of the legislature, was a violation of the constitution:

"Resolved, That a select committee of five be appointed by the House of Representatives, to investigate all the accounts, contracts and proceedings of the board of internal improvement, from the organization of the first board, up to the present time, with power to swear all witnesses, and to send for persons and papers.

"Be it further resolved, That said committee have power to sit during the recess, at such place or places on the several lines of internal improvement, as they shall deem necessary for the purposes of investigation, and report their proceedings to the governor for publication, at the earliest practicable period."

Because, by article four, section fourteen of the constitution,

“neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the legislature may be in session;” and it seems unreasonable that the House should delegate to a part of its body, powers which itself does not possess; and because the precedent is of a dangerous character, giving to irresponsible individuals a power to draw funds from the treasury without appropriations by law; and because the several departments of state affairs ought to be conducted by public officers, and their duties defined by law.

Which resolution,

On motion of Mr. Hammond, was referred to the committee on the judiciary.

On motion of Mr. Stockton,

The committee of the whole was discharged from the further consideration of the Senate “bill to incorporate the trustees of the Wesleyan seminary at Albion,” and the bill was then taken up for consideration.

On motion of Mr. Curtis, the said bill was then laid on the table and ordered printed.

The Chair announced a communication from the president of the board of internal improvement, in relation to certain railroad iron; which communication, with the accompanying documents,

On motion of Mr. Pierce, were referred to the committee on the judiciary.

On motion of Mr. Porter,

The House again resolved itself into committee of the whole on the Senate “bill to prescribe the powers and duties of justices of the peace in civil proceedings;” Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Metcalf, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Bingham, Bush, Castle, and Wood, were absent without leave.

On motion of Mr. Wilcox,

The House again resolved itself into committee of the whole on the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings;" Mr. Hammond in the chair.

After spending some time thereon, the committee rose, reported the bill back to the House with sundry amendments, which were concurred in collectively.

On motion of Mr. Hammond,

The said bill was then recommitted to the committee on the judiciary.

On motion of Mr. Stockton, the House adjourned.

Friday, February 26, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. E. H. Pilcher.

The roll being called, Messrs. Bingham and Bush were absent without leave.

Mr. Leech asked and obtained leave of absence for Mr. Bingham until Monday next, and Mr. Bush for an indefinite period.

Mr. Hawley announced the presence of Hiram L. Miller, member elect from the county of Saginaw, who, after subscribing to the oath of office, took his seat.

PETITIONS.

By Mr. Willits. Of inhabitants of Hillsdale county, for the alteration of a certain state road. Referred to the committee on roads and bridges.

By Mr. Porter. Of inhabitants of Macomb county, that sheriff's and their deputy's may be prohibited from serving justices' process. Referred to the committee on the judiciary.

By the Speaker. Of D. K. Underwood, and other merchants of Adrian, Lenawee county, that an amendment may be made to the exemption bill, (so called,) if passed, exempting merchant's goods from sale under execution.

By Mr. Castle. Of inhabitants of Clinton and Ionia counties, for the passage of a law offering rewards for the destruction of wolves.

By Mr. Stockton. Of sundry inhabitants of Oakland county, for the passage of the "relief bills."

All of which petitions were laid on the table, reports having been made upon the several subjects thereof.

Mr. Biddle presented the claim of Samuel Trudell, for translating the governor's message into French. Referred to the committee on claims.

The Chair announced a communication from the state treasurer, in reply to a resolution adopted on the 6th instant, relative to taxes paid by the banks of this state; which communication,

On motion of Mr. Porter, was referred to the committee on the judiciary.

The Chair announced the following as the select committee, in pursuance of the order on the 24th instant, to which was referred a resolution proposing certain amendments to the constitution, to wit: Messrs. Smith, Castle and Redfield.

Mr. Porter asked and obtained the unanimous consent of the House, to introduce "a bill to amend part four of the revised statutes, 'relative to crimes;'" which bill was read twice, and referred to the committee on the judiciary; and,

On motion of Mr. Porter, it was ordered printed.

RESOLUTIONS AND NOTICES.

Mr. Metcalf offered the following resolution:

Resolved, That the board of internal improvement be requested to report to this House, whether any special action of this legislature is necessary to authorize them to pay claims for work done upon the works of internal improvement; which resolution,

On motion of Mr. Hammond, was referred to the committee on internal improvement.

On motion of Mr. Walker,

Resolved, That the superintendent of public instruction be requested to communicate to this House, as soon as practica-

ble, by what authority he employs a clerk at the expense of the state, or university and school fund; for how long a time he has employed one, and at what expense; out of what fund has he been paid, and what is the necessity of employing such clerk.

Mr. Hawley gave notice that he would, at some future time, ask leave to introduce a bill to authorize the minor children and heirs of the late Thomas Smith, deceased, to convey certain lands.

Mr. Harding gave notice, that at an early day, he would ask leave to introduce a bill to authorize the minor children and heirs of the late William Taylor, deceased, to convey certain lands.

The House "bill amendatory to 'An act to amend the revised statutes, 'relative to primary schools,' approved April 1, 1840," having been taken up for a third reading,

On motion of Mr. Hammond, it was recommitted to the committee of the whole.

On motion of Mr. Stockton,

The Senate "bill to incorporate the trustees of the Wesleyan seminary, at Albion," was then recommitted to the committee of the whole.

On motion of Mr. Walker, the rule requiring printed bills to be on the members' tables at least one day before considered in committee of the whole, was suspended; and,

On motion of Mr. Stockton,

The House resolved itself into committee of the whole on said bill; Mr. Coates in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments; which were concurred in, collectively. The said bill being yet under consideration,

On motion of Mr. Smith,

It was further amended by adding the following section thereto, to wit:

"Sec. 9. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each House."

The said bill was then ordered to a third reading.

On motion of Mr. Hammond, the twenty-second rule, requiring the second and third reading of bills to be had on different days, was suspended, and the said bill was then read a third time and passed, by the following vote:

YEAS.

Mr. Biddle,	Mr. Hawley,	Mr. Russell,	
Mr. Brown,	Mr. Humphrey,	Mr. G. Spencer,	
Mr. Clark,	Mr. Larue,	Mr. Stockton,	
Mr. Coates,	Mr. Lee,	Mr. Strong,	
Mr. Cook,	Mr. J. Miller,	Mr. Tinney,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tyler,	
Mr. Curtis,	Mr. Pierce,	Mr. Walker,	
Mr. Dolsen,	Mr. Porter,	Mr. Wilcox,	
Mr. Geddes,	Mr. Renwick,	Mr. Willits,	
Mr. Gillett,	Mr. Rogers,	Mr. Wood,	
Mr. Hammond,	Mr. Root,	Mr. Speaker,	33

NAYS.

Mr. Harding,	Mr. Metcalf,	Mr. Morton,	3
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Mr. Strong moved that when the House adjourns, it adjourn until to-morrow morning at ten o'clock; which motion prevailed.

On motion of Mr. Wilcox,

The House again resolved itself into committee of the whole on the "bill to incorporate the Saline manufacturing company, of the county of Washtenaw," Mr. Walker in the chair.

After some time spent thereon, the committee rose and reported the same back with an amendment, to wit: "striking out 'twenty,' in the eighteenth line of the sixth section, and inserting in lieu thereof, 'ten.'"

The question being on concurring in said amendment,

On motion of Mr. Renwick,

A division of the question was ordered, and the question to strike out prevailed; and the question to insert was decided in the affirmative.

The said bill was then ordered to a third reading.

On motion of Mr. Wilcox,

The twenty-second rule was suspended, that said bill might be read a third time; and the said bill was then read a third time; and

The question being upon its passage, it was lost, two-thirds of the members present not voting in the affirmative; the following being the vote:

YEAS.

Mr. Cook,	Mr. J. Miller,	Mr. G. Spencer,
Mr. Daniels,	Mr. Morton,	Mr. Sprague,
Mr. Geddes,	Mr. Pierce,	Mr. Stockton,
Mr. Gillett,	Mr. Renwick,	Mr. Strong,
Mr. Hammond,	Mr. Rogers,	Mr. Tyler,
Mr. Hawley,	Mr. Root,	Mr. Wilcox,
Mr. Mather,	Mr. Smith,	

20

NAYS.

Mr. Biddle,	Mr. Humphrey,	Mr. Russell,
Mr. Brown,	Mr. Lee,	Mr. M. Spencer,
Mr. Castle,	Mr. Metcalf,	Mr. Walker,
Mr. Coates,	Mr. H. L. Miller,	Mr. Willits,
Mr. Curtis,	Mr. Porter,	Mr. Speaker,
Mr. Dolsen,	Mr. Redfield,	

17

On motion of Mr. Hammond,

The vote on the question of the passage of said bill was reconsidered; and,

On motion of Mr. Porter,

The said bill was then recommitted to the committee of the whole.

On motion of Mr. Biddle,

The House then again went into committee of the whole on said bill, Mr. Walker in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House, with an amendment, which was concurred in.

The bill was then again ordered to a third reading.

On motion of Mr. Biddle,

The 22d rule was suspended, that said bill might be read a third time, and the said bill was then read a third time and passed, by the following vote:

YEAS.

Mr. Biddle,	Mr. Metcalf,	Mr. Root,
Mr. Brown,	Mr. J. Miller,	Mr. Sprague,
Mr. Daniels,	Mr. H. L. Miller,	Mr. Strong,
Mr. Dolsen,	Mr. Pierce,	Mr. Walker,
Mr. Gillett,	Mr. Porter,	Mr. Wilcox,

Mr. Hammond,
Mr. Lee,
Mr. Mather,

Mr. Redfield,
Mr. Richardson,
Mr. Rogers,

Mr. Willits,
Mr. Speaker,

23

NAYS.

Mr. Coates,
Mr. Cook,

Mr. Curtis,
Mr. Renwick,

Mr. M. Spencer,
Mr. Tyler,

6

On motion of Mr. M. Spencer, the House adjourned.

Saturday, February 27, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Messrs. Hammond and Philbrick were absent without leave.

Mr. Redfield asked and obtained leave of absence for Messrs. Hammond and Philbrick for an indefinite period, on account of indisposition.

PETITIONS.

By Mr. Coates. Of twenty-nine inhabitants of Oakland county, relative to banks.

Mr. Wilcox moved its reference to the select committee on the geological department.

Mr. Smith moved its reference to the committee on manufactures; which motion did not prevail.

Mr. Curtis then moved to refer said petition to the committee on ways and means; which motion was negatived.

The question recurring upon the motion of Mr. Wilcox, it then prevailed.

By Mr. Coates. A remonstrance of sixty inhabitants of Oakland county, against loaning the credit of the state to the banks. Referred to the select committee on the banks and currency.

By Mr. Curtis. A remonstrance of sixty-one inhabitants of Oakland county, against granting a further suspension of specie payments to the banks. Referred to the same committee.

REPORTS.

Mr. Castle, from the committee on roads and bridges, to

which was referred the petition of Erastus Ingersoll, for leave to build a dam across the Grand river; also, two several petitions from the same, asking for the power to raise money to build a certain dam therein named, reported the same back to the House, and adversely to the objects of said petitions, and on his motion, the committee was discharged from their further consideration.

Also, from the same committee, reported back to the House, the petitions of citizens of Calhoun and Jackson counties, asking for the laying out of a certain state road; a report having been made on that subject.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Friday, February 26, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to return to the House of Representatives, “a bill to provide for the construction of certain works of internal improvement,” which the Senate have passed with amendments, in which they respectfully ask the concurrence of the House.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Metcalf,

The bill (returned by the above message,) was referred to the committee on internal improvement.

The Chair also announced a communication from the acting commissioner of internal improvement, in reply to a resolution adopted on the 24th instant, relative to the receiver of tolls on the Central railroad; which communication,

On motion of Mr. Smith, was laid on the table.

RESOLUTIONS.

Mr. Metcalf laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioners of internal improvement be, and they are hereby directed to expend the unexpended balance, (or so much as is necessary) of the appropriations for the improvement of the St. Joseph river, in re-

moving the rocks and snags in the channel of said river, from its mouth, as far up as the village of Three Rivers, in the county of St. Joseph; and to apply the balance then remaining, if any, in constructing wing dams, at such points as they deem expedient, or in deepening the channel in such manner as they may think best calculated to improve the navigation of the same.

Mr. Curtis offered the following resolution:

Resolved, That the people of this state, have at all times the right to petition this House upon all questions wherein their interest is involved, and this House is bound to receive such petitions, give them a respectful hearing, and refer them to the appropriate committee.

Mr. G. Spencer moved to lay said resolution on the table; which motion did not prevail.

The said resolution was then adopted.

On motion of Mr. H. L. Miller,

Resolved, That the committee on internal improvement be, and they are hereby required to inquire as to the expediency of appropriating and expending in the improvement of the Saginaw turnpike, between the villages of Flint and Saginaw, the unexpended balance of the appropriations heretofore made for the construction of the Saginaw canal, and of erecting toll gates upon said turnpike, and exacting toll sufficient in amount to pay the interest on the sum so appropriated and expended, and report by bill or otherwise.

On motion of Mr. Wood,

Resolved, That the commissioners of internal improvement are hereby requested to report to this House, the condition of the appropriation of fifty thousand dollars, heretofore granted for the construction of the ship canal around the Falls of Ste Marie, and what amount has been expended on the same.

On motion of Mr. Walker,

Resolved, That the committee on the judiciary be requested to inquire whether any legislation is necessary, respecting the appointment of criers to the courts of the several counties of this state; if so, to report to this House by bill or otherwise.

On motion of Mr. Smith,

The communication of this morning from the acting commissioner of internal improvement, was taken up; and he then offered the following resolution, which was adopted:

Resolved, That the communication of the board of internal improvement, received this day, be referred to the committee on internal improvement, with instructions to inquire and report to this House, whether William S. Driggs, therein named, is or is not employed as a clerk in the office of the secretary of state, without the sanction of law; and further, (if such be the case,) whether the person employed and paid, as "receiver of tolls," on the state railroad, can legally or properly be employed as a clerk as aforesaid.

The following bills were then introduced on leave, and pursuant to previous notice, to wit:

By Mr. Harding. "An act to authorize the minor children and heirs of the late William Taylor, deceased, to convey certain lands."

By Mr. Hawley. "An act to authorize the minor children and heirs of the late Thomas Smith, deceased, to convey certain lands."

Both of which bills were twice read, and referred to the committee on the judiciary.

On motion of Mr. Pierce,

The House resolved itself into committee of the whole on the "bill to reduce the price of public printing, and for other purposes;" Mr. Curtis in the chair.

After some time spent thereon, the committee rose and reported the same back to the House.

The said bill being still under consideration,

Mr. Leech moved to adjourn until Monday morning, at ten o'clock; which motion was negatived.

Mr. Smith moved that the further consideration of said bill be made the special order for Wednesday next; which motion did not prevail.

Mr. Harding moved to adjourn until half past two o'clock P. M.

Mr. Metcalf moved to so amend the motion, that when the House adjourns, it adjourn until Monday morning at nine o'clock; which motion was negatived; and

The question recurring upon the motion of Mr. Harding, it prevailed, and the House accordingly adjourned.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Coates, Humphrey, Mather, Tyler and Walker, were absent without leave.

Mr. Clark asked and obtained leave of absence for Mr. Coates, until Tuesday next.

Mr. Harding for Mr. Walker, until Tuesday next.

Mr. Smith, from the select committee on the geological department, to which was referred the petition of sundry citizens of Oakland county, relative to banks, and presented to the House in the morning, submitted a report thereon, concluding with a recommendation that the petitioners have leave to withdraw their said petition.

The recommendation of said committee was adopted, and the report ordered to be laid on the table.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, February 27, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the directions of the Senate, I transmit herewith for the concurrence of the House of Representatives, the following to wit:

“A bill relative to jurors.”

“A bill to repeal the law authorizing the laying out of a state road therein named.”

“A joint resolution authorizing the librarian to subscribe for twelve copies of the *Western Farmer*.”

And also, “a preamble and joint resolution relative to the domestic production of copper,” &c.

I am also instructed by the Senate; to inform you respectfully, that the Senate have concurred in the amendments made

by the House, to the "bill to incorporate the trustees of the Wesleyan seminary, at Albion."

D. W. KELLOGG,
Secretary of the Senate.

The "bill relative to jurors," was twice read, and referred to the committee on the judiciary; and,

The "bill to repeal the law authorizing the laying out of a state road therein named," was twice read, and referred to the committee on roads and bridges; and,

The joint resolutions transmitted from the Senate, by the above message, were laid on the table for one day, according to rule.

The House then resumed the consideration of the "bill to reduce the price of public printing, and for other purposes;" and, the question being upon ordering said bill to a third reading,

Mr. Curtis moved to amend the first section, by striking out the word "five," wherever it occurs in said section; which amendment was rejected by the following vote:

YEAS.

Mr. Clark,	Mr. Leech,	Mr. Smith,
Mr. Curtis,	Mr. Redfield,	Mr. M. Spencer,
Mr. Lee,	Mr. Russell,	Mr. Tinney,
		9

NAYS.

Mr. Brown,	Mr. Hawley,	Mr. Rogers,
Mr. Castle,	Mr. Larue,	Mr. Root,
Mr. Cook,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Copeland,	Mr. J. Miller,	Mr. Sprague,
Mr. Daniels,	Mr. H. L. Miller,	Mr. Strong,
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,
Mr. Geddes,	Mr. Porter,	Mr. Willits,
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,
Mr. Harding,		25

Mr. Leech moved to adjourn; which motion was negatived.

Mr. Smith then moved to amend the fourth section by adding the following thereto, to wit:

"And further provided, that nothing in this act shall be construed to prevent the printing of either house of the legislature, or for the state, being let for a lower rate, either for composi-

tion or press work, than that specified in the first and second sections of this act, should an offer to that effect, with satisfactory security, be made; and the secretary of state is hereby authorized and directed to advertise for such offers, in the state paper, at least one month, immediately after the passage of this act."

Which amendment was rejected, by the following vote:

YEAS.

Mr. Clark,	Mr. H. L. Miller,	Mr. Smith,	
Mr. Curtis,	Mr. Redfield,	Mr. M. Spencer,	
Mr. Lee,	Mr. Russell,	Mr. Tinney,	
Mr. Leech,			10

NAYS.

Mr. Brown,	Mr. Harding,	Mr. Rogers,	
Mr. Castle,	Mr. Hawley,	Mr. Root,	
Mr. Cook,	Mr. Larue,	Mr. G. Spencer,	
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,	
Mr. Daniels,	Mr. J. Miller,	Mr. Strong,	
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Willits,	
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,	24

On motion of Mr. Pierce,

The House then concurred in the amendment reported by the committee on printing, to said bill.

Mr. Strong moved to further amend said bill by adding the following proviso to the first section, to wit: "*Provided*, That nothing shall be paid for constructive printing; that is to say, when an extra number of copies is ordered printed, the paper and press work only shall be charged to the state."

Mr. Smith moved to amend the same by adding the following thereto, to wit: "and that pages or portions of pages exceeding on any page, one eighth thereof, of matter, called fat matter, or blank matter, shall not be paid for;" which amendment was rejected.

The question recurring upon Mr. Strong's amendment,

Mr. Leech moved to add the following thereto, to wit: "nor shall he charge for composition twice when the same documents are printed for both houses."

Which amendment was rejected by the following vote:

YEAS.

Mr. Curtis,	Mr. H. L. Miller,	Mr. Smith,	
Mr. Lee,	Mr. Redfield,	Mr. M. Spencer,	
Mr. Leech,	Mr. Russell,	Mr. Tinney,	9

NAYS.

Mr. Brown,	Mr. Harding,	Mr. Rogers,	
Mr. Castle,	Mr. Hawley,	Mr. Root,	
Mr. Cook,	Mr. Larue,	Mr. G. Spencer,	
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,	
Mr. Daniels,	Mr. J. Miller,	Mr. Strong,	
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Willits,	
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,	24

The question again recurring upon the adoption of Mr. Strong's amendment,

Mr. Geddes moved the previous question, which motion was sustained.

And the question being, shall the main question be now put? the same was decided in the affirmative.

And the main question being upon the adoption of Mr. Strong's amendment, the same prevailed.

The question then being upon ordering said bill to a third reading,

Mr. Metcalf moved the previous question; which motion was sustained.

Mr. Leech moved a call of the House; which motion did not prevail.

And the question being, shall the main question be now put? the same was decided in the affirmative.

And the main question being upon ordering said bill to a third reading, it prevailed.

On motion of Mr. Metcalf,

The twenty-second rule requiring the second and third readings of bills to be had on different days, was suspended, that said bill might then be read a third; and,

The said bill was read a third time, and passed by the following vote:

YEAS.

Mr. Brown,	Mr. Hawley,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. Smith,

Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

26

NAYS.

Mr. Curtis,
Mr. Leech,

Mr. Redfield,

Mr. M. Spencer,

4

The question then being upon the adoption of the title of said bill,

Mr. Smith offered the following as a substitute therefor, to wit: "a bill to pay the state printer a greater sum than he asks for printing."

Which substitute was not adopted.

Mr. Curtis then offered the following as a substitute, to wit: "a bill to raise the price of public printing."

Which substitute was also rejected.

The title of said bill was then adopted.

Mr. Harding moved a reconsideration of the vote on the question of the passage of said bill; which motion was negatived.

On motion of Mr. Leech, the House adjourned until Monday morning, at ten o'clock.

Monday, March 1, 1841.

The House met pursuant to adjournment.

The roll being called, Messrs. Humphrey, J. Miller, Philbrick and Walker were absent without leave.

Mr. Russell asked and obtained leave of absence for Mr. Humphrey for one day.

Mr. Brown for Mr. J. Miller, on account of indisposition.

PETITIONS.

By Mr. Copeland. Four several petitions of inhabitants of Jackson county, for a reduction of the price of primary school lands, and for an extension of the time of payment now due on said lands heretofore sold.

By Mr. Richardson. Of three hundred citizens of Oakland county, for a change in the judiciary system. Referred to the committee on the judiciary.

By Mr. Smith. Of one hundred and eighty-three citizens of Monroe, for the passage of a law preventing the sale of property under execution, at less than two-thirds of its appraised value.

By Mr. Renwick. A remonstrance of three hundred and thirty-seven citizens of Plymouth, Wayne county, against the passage of such a law.

Mr. Mather presented the proceedings of a meeting of the citizens of Dearborn, Wayne county, remonstrating against the passage of the same law.

All of which petitions were laid on the table, a report having been already made upon that subject.

Mr. Hawley presented the claim of Baldwin & Kimball, for materials furnished the state prison. Referred to the committee on claims.

REPORTS.

Mr. Wood, from the select committee to which was referred that portion of the governor's message, relative to the unauthorized and forcible interruption, by the troops of the United States, of the public works of the state, during the year 1839, at the Saut de Ste Marie, submitted a report thereon, accompanied by the following joint resolution.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That it is the sense of this legislature that the proceedings of the government of the United States, at the Saut de Ste Marie, on the 12th day of May, 1839, by which the contractors and hands at work on the canal at that place, were forcibly driven from the same, and compelled to abandon its further construction, were unwarranted by the constitution of the United States, and a gross violation of the rights and sovereignty of the state of Michigan.

Be it further resolved, That as an act of justice to the state of Michigan, the government of the United States is bound to repay to the state, the amount of money advanced to the con-

tractors, together with all the damages the state has sustained by reason of the arbitrary and unjust measures which deprived the state of the right to construct the Saut de Ste Marie canal.

And be it further resolved, That our senators and representative in congress, be requested to adopt such measures as will tend to the speedy reparation, by the general government, of the injury which has been inflicted upon the rights of the state, and that they demand the repayment of the money which has been expended, together with all damages that the state has sustained.

Resolved, That copies of the foregoing, together with the report of the committee of 1840, on the same subject, be transmitted to our senators and representative in congress.

The said resolutions were laid on the table for one day, according to rule, and the report laid on the table, and ordered printed.

(See Document, No. 54.)

Mr. Richardson, from the committee on the judiciary, to which was referred the claim of A. M. Gould, for services as clerk for the supreme court, for the second circuit, reported "a bill to provide for the payment of a certain claim;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

The Chair announced a communication from the superintendent of public instruction, in reply to a resolution adopted by the House, relative to moneys loaned by him from the primary school fund; which communication was laid on the table, and ordered printed.

(See Document, No. 55.)

The Chair also announced a communication from the commissioners appointed to settle with the Lake Erie and River Raisin railroad company, in reply to a resolution adopted on the 19th instant; which communication,

(See Document, No. 56.)

On motion of Mr. Hammond,

Was ordered printed; and so much of the same as relates to interest, was referred to the committee on claims, and the

other portions of said communication, were referred to the committee on the judiciary.

The Chair also announced a communication from the commissioners under the "Act to provide for the sale of certain lands to the settlers thereon, and for other purposes," in reply to a resolution adopted on the 13th ultimo; which communication was laid on the table, and ordered printed.

(See Document, No. 57.)

On motion of Mr. Metcalf,

The House took up for consideration, the joint resolution offered by him, and laid on the table on the 27th ultimo, relative to the unexpended balance of the appropriation for the improvement of the St. Joseph river; and,

On motion of Mr. G. Spencer,

The said resolution was then referred to the committee on internal improvement.

On motion of Mr. Porter,

The House took up the joint resolution reported by the judiciary committee on the 25th ultimo, directing the secretary of state to send to the executive of Alabama, a copy of the decisions of the supreme and chancery courts of this state.

The said resolution was then considered and adopted.

Mr. Porter obtained the unanimous consent of the House to introduce "a bill to amend part three, title three, chapter three of the revised statutes, 'relative to the foreclosure of mortgages;'" which bill was twice read and referred to the committee on the judiciary.

On motion of Mr. Copeland,

The House went into committee of the whole on the following bills, to wit: Senate bills "to alter the boundary of the township of Kearsley, in the county of Genesee," and "to organize certain townships, and for other purposes;" and House bills "to reestablish the boundary line between the townships of Ross and Charleston, and for other purposes;" "to define the eastern and southern boundaries of the township of Dearborn," and "to organize certain townships, and for other purposes;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose and reported back to the House, the Senate "bill to organize certain townships, and for other purposes," with sundry amendments, (consolidating the other bills into said bill;) which amendments were concurred in collectively.

The said bill being still under consideration,

Mr. Mather moved to amend the fourteenth section by striking out all after the word "Rouge," in the ninth line, and inserting the following in lieu thereof, to wit:

"Thence across said River Rouge, to the north end of the eastern line of farm number six hundred and sixty-one; thence along said line to the most southerly boundary of said farm number six hundred and sixty-one; thence along the most southerly boundary of numbers six hundred and forty-three, and sixty-six; thence northerly along the western line of farm number sixty-six, until it strikes the south corner of farm number thirty-one; thence southerly until it strikes the south-west corner of farm number thirty-one; thence northerly until it intersects the southern line of said township of Dearborn."

Pending the consideration of which amendment,

On motion of Mr. Porter, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

On motion of Mr. Walker,

The committee on education were discharged from the further consideration of the communication of the superintendent of public instruction, made to the House on the 16th ultimo; and the same was then ordered printed with the communication received from the same officer this morning.

Mr. Coates, from the committee on enrolment, reported as correctly enrolled "a bill to provide for the compensation of township collectors."

The House then resumed the consideration of the Senate "bill to organize certain townships, and for other purposes;" and the question being upon the adoption of the amendment offered by Mr. Mather, to the fourteenth section, the same did not prevail.

Mr. Mather then moved to amend said bill, by striking out all after the word "Rouge," in the tenth line of the fourteenth section, and inserting the following, viz:

"Till it strikes the west line of claim number sixty-six; thence south till it strikes the south corner of said claim number sixty-six; thence west till it strikes the west line of claim number thirty-one; thence west till it strikes the west corner of claim number thirty-one; thence north till it intersects the township line."

Which amendment was rejected, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,	
Mr. Coates,	Mr. Leech,	Mr. Smith,	
Mr. Cook,	Mr. Mather,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Philbrick,	Mr. Strong,	
Mr. Hammond,	Mr. Pierce,	Mr. Wilcox,	15

NAYS.

Mr. Biddle,	Mr. Gillett,	Mr. Root,	
Mr. Brown,	Mr. Harding,	Mr. G. Spencer,	
Mr. Castle,	Mr. Larue,	Mr. Sprague,	
Mr. Clark,	Mr. Lee,	Mr. Tinney,	
Mr. Copeland,	Mr. Metcalf,	Mr. Tyler,	
Mr. Daniels,	Mr. H. L. Miller,	Mr. Willits,	
Mr. Dolsen,	Mr. Redfield,	Mr. Speaker,	
Mr. Geddes,	Mr. Renwick,		23

Mr. Mather then moved to strike out all after the words "north-east corner," in the fourth line of the fourteenth section, and insert the following in lieu thereof, to wit:

"Running south-west until it reaches a point at right angle with a line running south-west; thence south-west till it reaches a point making a square township."

Which amendment was rejected by the following vote:

YEAS.

Mr. Coates,	Mr. Mather,	Mr. M. Spencer,	
Mr. Hawley,	Mr. Smith,	Mr. Wilcox,	
Mr. Leech,			7

NAYS.

Mr. Biddle,	Mr. Hammond,	Mr. Rogers,
Mr. Brown,	Mr. Harding,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Clark,	Mr. Lee,	Mr. Sprague,

Mr. Cook,	Mr. Metcalf,	Mr. Strong,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tinney,	
Mr. Daniels,	Mr. Philbrick,	Mr. Tyler,	
Mr. Dolsen,	Mr. Pierce,	Mr. Walker,	
Mr. Geddes,	Mr. Redfield,	Mr. Willits,	
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,	30

Mr. Mather then moved to strike out the fourteenth section of said bill; which motion did not prevail.

Mr. Mather then moved to recommit said bill to a select committee; which motion was negatived by the following vote:

YEAS.

Mr. Coates,	Mr. Philbrick,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Rogers,	Mr. Strong,	
Mr. Leech,	Mr. Russell,	Mr. Wilcox,	
Mr. Mather,	Mr. Smith,		11

NAYS.

Mr. Biddle,	Mr. Harding,	Mr. Root,	
Mr. Brown,	Mr. Hawley,	Mr. G. Spencer,	
Mr. Castle,	Mr. Larue,	Mr. Sprague,	
Mr. Clark,	Mr. Lee,	Mr. Tinney,	
Mr. Cook,	Mr. Metcalf,	Mr. Tyler,	
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Walker,	
Mr. Geddes,	Mr. Pierce,	Mr. Willits,	
Mr. Hammond,	Mr. Renwick,	Mr. Speaker,	24

The said bill was then ordered engrossed for a third reading.

On motion of Mr. Pierce,

The committee of the whole was discharged from the further consideration of the "bill to authorize the secretary of state to effect an insurance on the capitol and state library;" and the same was taken up for consideration.

Mr. Leech moved to lay said bill on the table; which motion was negatived.

Mr. Coates moved to amend said bill by striking out all after the enacting clause; which motion did not prevail.

Mr. Hammond moved to amend the first section of said bill by striking out the words "capitol and" in the third line; which motion was negatived.

On motion of Mr. Smith, the said bill was then laid on the table.

On motion of Mr. Brown,

The House resolved itself into committee of the whole on the "bill to amend an act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834;" Mr. Walker in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in, collectively.

The said bill still being under consideration,

Mr. Smith moved to lay it on the table; which motion did not prevail.

On motion of Mr. G. Spencer,

The first section of said bill was amended by adding the following proviso thereto, to wit:

"Provided, That nothing herein contained shall prevent the interest of such member being considered as affecting the credibility of such witness or his deposition, by reason of such interest."

Mr. Smith moved to amend the fourth section in the second line, by striking out "seven," and inserting in lieu thereof "eleven."

Mr. G. Spencer moved to recommit said bill to the committee on the judiciary; which motion was negatived.

The question recurring upon the amendment of Mr. Smith, it did not prevail.

On motion of Mr. Walker,

The fourth section was amended by inserting the following, after the word "present" in the seventh line, to wit:

"And proxies duly appointed by absent members, by power of attorney, duly executed under a seal, and properly acknowledged; and if said proxies reside in the county of Kalamazoo, such powers of attorney shall be on file in the secretary's office at least one week before the election at which they are used."

Mr. Smith moved to further amend said section by striking out "twenty-one" in the second line, and inserting in lieu thereof "thirteen;" which motion did not prevail.

Mr. Smith then moved to further amend said bill by striking out "Kalamazoo," wherever the same occurs in said bill, and inserting in lieu thereof "Monroe;" which motion was decided in the negative.

On motion of Mr. G. Spencer,

The following proviso was added to the end of the sixth section, to wit:

"*Provided*, Notice thereof shall be filed in the register's office of the proper county."

Mr. Smith moved to further amend the sixth section by striking out all between the word "company," in the first line, to the word "shall" in the second line; which motion was negatived.

On motion of Mr. Smith,

The following was then adopted as an additional section to said bill, to wit:

"Sec. 10. This act, as well as that to which it is amendatory, may at all times be amended or repealed, by a vote of two-thirds of the legislature."

Mr. Leech offered the following as an additional section, to wit:

"Sec. 11. The office of said company shall be kept at such place as the majority of directors shall direct."

Which amendment was rejected by the following vote:

YEAS.

Mr. Clark,	Mr. Lee,	Mr. Russell,	
Mr. Coates,	Mr. Leech,	Mr. Smith,	
Mr. Curtis,	Mr. Mather,	Mr. M. Spencer,	
Mr. Hawley,	Mr. H. L. Miller,	Mr. Tinney,	12

NAYS.

Mr. Biddle,	Mr. Harding,	Mr. Sprague,	
Mr. Brown,	Mr. Metcalf,	Mr. Strong,	
Mr. Cook,	Mr. Pierce,	Mr. Tyler,	
Mr. Copeland,	Mr. Redfield,	Mr. Walker,	
Mr. Dolsen,	Mr. Renwick,	Mr. Wilcox,	
Mr. Geddes,	Mr. Rogers,	Mr. Willits,	
Mr. Gillett,	Mr. Root,	Mr. Speaker,	
Mr. Hammond,			22

Mr. Smith moved to further amend the sixth section, by adding the following thereto, to wit:

“The quantity of said land being limited by the dimensions of the buildings so insured;” which amendment did not prevail.

The said bill was ordered to be engrossed for a third reading.

On motion of Mr. Hammond, the House adjourned until tomorrow morning, at ten o'clock.

Tuesday, March 2, 1841.

The House met pursuant to adjournment.

The roll being called, Mr. Richardson was absent without leave.

PETITIONS.

By Mr. Pierce. Of seventy-four inhabitants of Washtenaw county for the passage of the (so called) “appraisal bill.”

By Mr. Hammond. Of fourteen inhabitants of the same county, for the same purpose.

By Mr. Hawley. Two several petitions of citizens of the county of Jackson, for the same purpose.

All of which petitions were laid on the table, a report having been made upon that subject.

REPORTS.

Mr. Brown, from the committee on the judiciary, to which was referred a resolution instructing them to inquire into the propriety of repealing the twenty-seventh section of chapter three, title three, part one of the revised statutes, reported adversely to the same; and upon his motion, the committee was discharged from the further consideration of the subject.

Mr. Metcalf, from the committee on internal improvement, to which was referred the petition of thirty-six citizens of this state, asking the state to purchase the railroad running from Monroe to Brest, reported adversely to the object of said petition; and upon his motion, the committee was discharged from the further consideration of the subject.

Also, from the same committee, to which was referred a certain joint resolution, together with a memorial of sundry citizens of the county of Hillsdale; also, the “bill to provide

for the further construction of certain works of internal improvement, submitted a report thereon, concluding with a recommendation, that the House do concur in the amendments made by the Senate to the second section, and non-concur in the amendment made to the first section of said bill.

The said report was ordered to be laid on the table; and the House concurred in the Senate amendments to the second section, and non-concurred in the amendment to the first section of said bill.

Mr. Walker, from the committee on the judiciary, to which was referred a resolution instructing them to inquire whether any legislation is necessary in case of vacancies occurring in the office of judge of probate, reported that no further legislation upon that subject was necessary; and upon his motion, the committee was discharged from its further consideration.

Mr. G. Spencer, from the committee on the judiciary, reported "a bill to amend part three, title three of the revised statutes, 'relative to the foreclosure of mortgages;'" which bill was twice read and referred to the committee on the judiciary.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Monday, March 1, 1841. }

To the Speaker of the House of Representatives:

SIR—By direction of the Senate, I herewith return the "joint resolution relative to the state salt springs," which the Senate have concurred in, and passed.

Also, I am instructed to inform you respectfully, that the House "bill declaring the election of Seneca Hale, a county commissioner of Lenawee county, valid," was lost in the Senate.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Coates.

The House took up from the table the motion made by Mr. Walker on the 15th ultimo, adopting the resolution directing the secretary of state to distribute among the members of the legislature, copies of the report of the special committee appointed

to investigate the affairs of the several boards of internal improvement.

Mr. Walker then withdrew his motion to reconsider.

RESOLUTIONS.

On motion of Mr. Castle,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of there being three commissioners appointed to inquire into the importance of the different public works, with a view to ascertain if any one or more of said works that have been commenced by the state, if they should receive further public aid, would in the opinion of the aforesaid commissioners, be a useless waste of the public moneys, and report by bill or otherwise.

On motion of Mr. Barlow,

Resolved, That the committee on internal improvement, be instructed to inquire into the propriety of directing the commissioners of internal improvement, to expend the unexpended balance of the appropriation to improve the navigation of the Kalamazoo river, in improving the same from Allegan to the mouth of said river, and that said committee report by bill or otherwise.

The Chair announced as the special order of the day, the Senate "bill relative to the sale of real and personal estate."

Mr. Metcalf moved that the House resolve itself into committee of the whole, on said bill.

Mr. Renwick moved that the consideration of the special order, be postponed for one week; which motion prevailed.

On motion of Mr. Renwick,

The House resolved itself into committee of the whole, on the "bill amendatory to 'An act to amend the revised statutes, 'relative to primary schools,' approved April 1, 1840," Mr. Larue in the chair.

After some time spent thereon, the committee rose, and reported the bill back to the House with sundry amendments, which were concurred in.

The said bill was then ordered engrossed for a third reading.

On motion of Mr. Metcalf, the House then adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Cook, Dolsen, Humphrey, Richardson and Smith, were absent without leave.

Mr. Root asked and obtained leave of absence for Mr. Dolsen, until Friday.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the act entitled "An act to amend chapter three, title three, and part first of the revised statutes, relative to prosecuting attorneys."

J. WRIGHT GORDON.

Executive Office, March 2, 1841.

Also, a special message from the executive, transmitting "a certain report and resolutions concerning the public lands," passed by the general assembly of Indiana; which message and accompanying documents were,

On motion of Mr. Larue, laid on the table and ordered printed.

(*See Document, No. 58.*)

On motion of Mr. Metcalf,

The House resolved itself into committee of the whole, on the House "bill to reduce the price of university and school lands."

Also, on Senate "bill to reduce the minimum price of the university and school lands, and for the relief of certain purchasers thereof;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose, and reported the same back to the House, and upon motion, the committee was discharged from their further consideration.

On motion of Mr. Brown,

The said bills were then referred to a select committee of five.

Mr. Porter then offered the following resolution, which was adopted:

Resolved, That the select committee to which was referred the "bills to reduce the price of university and primary school

lands, be instructed so to amend said bills, as to provide for the protection of the lands sold, from waste.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, March 2, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return to you the “bill to repeal the third section of an act entitled ‘An act to organize certain townships, and for other purposes;’ ” and also, the “bill to provide for the construction of certain works of internal improvement;” and am directed to inform you, respectfully, that the Senate have concurred in, and passed the former mentioned bill, and that that body (the Senate,) have receded from their amendment, to the latter mentioned bill, in which amendment the House non-concurred.

D. W. KELLOGG,
Secretary of the Senate.

And the said bills were accordingly ordered enrolled.

On motion of Mr. Bingham,

The use of the hall of the House of Representatives was granted to the Rev. Mr. Adam, for Friday evening next.

On motion of Mr. Cook, the House adjourned.

Wednesday, March 3, 1841.

The House met pursuant to adjournment.

The roll being called, Mr. Richardson was absent without leave.

On motion of Mr. Wood,

Leave of absence, for one day, was granted to Mr. Richardson.

PETITIONS.

By Mr. M. Spencer. Of citizens of Marengo, Calhoun county, for the laying out of a certain state road. Referred to the committee on roads and bridges.

By Mr. Lamb. Of inhabitants of Lapeer county, that sheriffs and their deputies be prohibited from serving processes

from justices' courts. Referred to the committee on the judiciary.

By Mr. Root. Of inhabitants of Plymouth, Wayne county, that the legislature may extend aid to the banks, to the end that a sound currency may be restored.

By Mr. Clark. Of inhabitants of Oakland county, that the legislature may take some immediate action for the bettering of the currency.

By Mr. Humphrey. Of citizens of Monroe county, for the same purpose.

By Mr. G. Spencer. Of citizens of Oakland county, for the same. All of which petitions were referred to the select committee on investigation of banks.

By Mr. Lamb. A remonstrance of citizens of Oakland county, against the passage of the (so called) exemption and appraisal bill. Laid on the table, a report having been made thereon.

Mr. Pierce presented the claim of Aymar & Shaw, for stationery furnished the state library. Referred to the committee on claims.

REPORTS.

Mr. Copeland, from the committee on towns and counties, to which was referred the following petitions for the organization of new townships: from inhabitants of Bennington, Shiawassee county; from inhabitants of Clinton county, and from inhabitants of Mundy, Genesee county, reported adversely to the prayer of said petitioners, the requisite notice not having been given; and the committee,

Upon his motion, was discharged from their further consideration.

Mr. Harding, from the committee on the judiciary, to which was referred the Senate "bill to amend the charter of the city of Detroit," reported the same back to the House without amendment, and recommended its passage.

The said bill was referred to the committee of the whole, and placed on the general order.

Mr. G. Spencer, from the same committee, to which was

rêcommitted the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings," reported the same back to the House with an amendment; and the said bill was then referred to the committee of the whole, and placed on the general order.

On motion of Mr. Wilcox,

The "bill to authorize the issue of state bonds, and the loan of them to the banks," and the "bill to authorize the anticipation of certain instalments of the five million loan, and for other purposes," were rêcommitted to the select committee on the banks and currency.

Mr. Wilcox moved that the House take up for consideration the joint resolutions offered by Mr. G. Spencer, on the 7th of January last, relative to a protective tariff; which motion did not prevail.

Mr. Hammond moved that when this House adjourns, it adjourn until to-morrow morning, at nine o'clock; which motion was decided in the affirmative.

The Senate "bill to organize certain townships, and for other purposes," was taken up for a third reading; and,

On motion of Mr. Mather,

The same was then rêcommitted to the committee on roads and bridges.

On motion of Mr. G. Spencer,

The committee of the whole was discharged from the further consideration of the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings," and the same was taken up for consideration.

The amendment to said bill, reported by the committee on the judiciary, was then adopted.

Mr. Walker moved to further amend said bill, by inserting the following additional section, between sections 166 and 167, and to stand as section 167, to wit:

"Sec. 167. Whenever any execution issued upon any judgment, wherein security has been given for costs, as aforesaid, shall be returned unsatisfied in whole, or in part, whereby such costs shall remain unpaid, the justice may, at his decrétion,

issue execution against such security, as in ordinary cases, to enforce the collection of the same."

Which amendment was rejected, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lee,	Mr. Russell,	
Mr. Castle,	Mr. Metcalf,	Mr. Smith,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Gillett,	Mr. Rogers,	Mr. Wilcox,	
Mr. Lamb,	Mr. Root,	Mr. Wood,	15

NAYS.

Mr. Biddle,	Mr. Hawley,	Mr. Renwick,	
Mr. Bingham,	Mr. Humphrey,	Mr. G. Spencer,	
Mr. Brown,	Mr. Larue,	Mr. Sprague,	
Mr. Coates,	Mr. Leech,	Mr. Stockton,	
Mr. Cook,	Mr. Mather,	Mr. Strong,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tinney,	
Mr. Daniels,	Mr. Morton,	Mr. Tyler,	
Mr. Geddes,	Mr. Philbrick,	Mr. Willits,	
Mr. Hammond,	Mr. Pierce,	Mr. Speaker,	
Mr. Harding,	Mr. Porter,		29

Mr. Porter moved to strike out the forty-seventh section of said bill; which motion was negatived.

On motion of Mr. Hammond,

The ninety-fourth section was amended by striking out the fifth sub-division of said section, and inserting the following in lieu thereof, to wit: "all stoves necessary and convenient for the use of the family of the debtor."

On motion of Mr. Coates,

The second sub-division of section ninety-four, was amended by striking out the words "for family use," and inserting in lieu thereof, the words "used in the family."

Mr. Curtis moved to amend the tenth section, by striking out the words "warrant or," in the 8th line; and the eleventh section, by striking out the same words in the first line; which motion was negatived.

Mr. Walker moved to amend the eighty-ninth section, by striking out the first sub-division of said section, and substituting the following in lieu thereof, to wit:

"1st. One cow, five swine and the pork thereof, and twenty sheep, together with the necessary feed or fodder to keep said

cow, swine and sheep, for six months; and the wool of said sheep, and all articles manufactured therefrom."

Which amendment was adopted.

Mr. Coates moved to amend the second sub-division of section ninety-seven, by adding the following proviso thereto, to wit:

Provided, That no appeal shall be had or taken in any case, where the judgment or damages recovered, do not exceed the sum of ten dollars."

Which amendment was rejected by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Rogers,
Mr. Castle,	Mr. Mather,	Mr. Root,
Mr. Clark,	Mr. Philbrick,	Mr. Russell,
Mr. Coates,	Mr. Redfield,	Mr. M. Spencer,
Mr. Curtis,	Mr. Renwick,	Mr. Tinney,
Mr. Harding,	Mr. Richardson,	Mr. Speaker,
Mr. Lamb,		

19

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Sprague,
Mr. Biddle,	Mr. Humphrey,	Mr. Stockton,
Mr. Brown,	Mr. Larue,	Mr. Tyler,
Mr. Cook,	Mr. Leech,	Mr. Walker,
Mr. Copeland,	Mr. Morton,	Mr. Wilcox,
Mr. Daniels,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Wood,
Mr. Hammond,	Mr. G. Spencer,	

23

Mr. Porter moved to further amend the first sub-division of section eighty-nine, by inserting between the words "therefor" and "and," the words following, to wit: "and twenty-five bushels of grain to feed such swine;" and by striking out the word "feed," in the third line, the word "or," in the fourth line, and "swine," in the fifth line; which motion did not prevail.

The question then being upon ordering said bill to a third reading,

Mr. Metcalf moved the previous question; which motion was negatived, by the following vote:

YEAS.

Mr. Brown,	Mr. Metcalf,	Mr. Smith,
Mr. Cook,	Mr. Morton,	Mr. G. Spencer,
Mr. Daniels,	Mr. Pierce,	Mr. Sprague,

Mr. Hawley,
Mr. Larue,
Mr. Mather,

Mr. Renwick,
Mr. Rogers,
Mr. Root,

Mr. Wilcox,
Mr. Willits,
Mr. Speaker, 18

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Castle,
Mr. Coates,
Mr. Copeland,
Mr. Curtis,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,

Mr. Humphrey,
Mr. Lamb,
Mr. Lee,
Mr. Leech,
Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,

Mr. Richardson,
Mr. Russell,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wood,

25

Mr. Richardson moved to amend the second sub-division of section ninety-seven, by adding the following proviso thereto, to wit:

“ *Provided*, That no appeal shall be had or taken in any case where the judgment or damages recovered do not exceed the sum of five dollars.”

Which motion was negatived.

Mr. Bingham moved to reconsider the vote rejecting the amendments proposed by Mr. Curtis to the tenth and eleventh sections of said bill; pending which motion,

On motion of Mr. Morton,

Said bill was recommitted to the committee on the judiciary.

Mr. Coates, from the committee on enrolment, reported as correctly enrolled, the “resolution relative to the state salt springs.”

The Chair announced the following select committee, in pursuance of the order of yesterday, to which was referred the “bills to reduce the price of university and school lands,” to wit: Messrs. Brown, Bingham, Larue, Redfield and Rogers.

On motion of Mr. Morton, the House adjourned.

Thursday, March 4, 1841.

The House met pursuant to adjournment.

The roll being called, Mr. Russell was absent without leave.

PETITIONS.

By Mr. Richardson. Of ninety citizens of Oakland county, for a change of the judicial system. Referred to the committee on the judiciary.

By Mr. Humphrey. Of citizens of Monroe county, that William M. Spinger, Stephen J. Morse and Hugh Lawrence, may be permitted to purchase, at the minimum price, certain university lands, upon which they have settled. Referred to a select committee appointed for that purpose.

REPORTS.

Mr. Metcalf, from the committee on internal improvement, to which was referred a certain resolution in relation to the propriety of expending the unexpended balance of the appropriation on the Saginaw canal, upon the Saginaw turnpike, and also, the petitions of certain citizens of Clinton and Shiawassee counties, in relation to said canal, reported the same back to the House, and asked to be discharged from their further consideration; and the committee were accordingly discharged.

Mr. Barlow, from the committee on banks and incorporations, to which was referred a resolution adopted by the House on the 17th ultimo, instructing them to inquire into the affairs of the Lake Erie and River Raisin railroad company, submitted a report thereon; which report was laid on the table, and ordered printed.

(See Document, No. 59.)

The same, from the same committee, to which was referred the petition of the officers of the Bank of Adrian, relative to bank taxation, reported the same back to the House, asking to be discharged from its further consideration, and moved its reference to the committee on the judiciary.

And the committee was accordingly discharged, and the reference so made.

Mr. Brown, from the committee on the judiciary, to which was referred the Senate bill No. 29, "relative to jurors," re-

ported the same back to the House without amendment, and the bill was then referred to the committee of the whole, and placed on the general order.

Mr. Porter, from the same committee, to which was referred the bill "defining the power of the court of chancery in partitions," reported the same back to the House, and recommended its passage, and the said bill was then referred to the committee of the whole, and placed on the general order.

Mr. Renwick, from the committee on ways and means, to which was referred the "bill to abolish the office of county commissioners, and establish a board of supervisors," reported the same back to the House, recommending its passage; and,

The bill was referred to the committee of the whole, and placed on the general order.

The same, from the same committee, to which was referred the Senate bill No. 13, "to amend chapter one, title four, part one of the revised statutes," reported the same back to the House, adversely to its passage; and,

The bill was then referred to the committee of the whole, and placed on the general order.

Also, from the same committee, to which was referred the "bill in relation to the duties of county commissioners in certain cases," reported the same back to the House, recommending its passage; and,

The same was referred to the committee of the whole, and placed on the general order.

Also, from the same, to which was referred the communication of the county treasurer of Wayne county, respecting "specific state taxes," reported, that in the opinion of the committee, no legislation was necessary in the premises; and,

On his motion, the committee was discharged from the further consideration of the subject.

Mr. Castle, from the committee on roads and bridges, to which was referred the Senate "bill to organize certain townships, and for other purposes," reported the same back to the House with an amendment, and the same was referred to the committee of the whole, and placed on the general order.

Mr. Walker, from the judiciary committee, reported "a bill to authorize the auditor general, state treasurer and attorney general to settle with the late commissioners of internal improvement;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Walker, from the committee on internal improvement, to which was referred sundry petitions of inhabitants of St. Clair and Ionia counties urging the construction of a turnpike upon the line of the Northern railroad, reported "a bill to provide for the construction of a turnpike upon the Northern railroad;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. G. Spencer, from the committee on the judiciary, to which was reëmitted the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings;" reported the same back to the House with certain amendments, and the same was referred to the committee of the whole and placed on the general order.

The Chair announced a communication from the acting commissioner of the board of internal improvement, in reply to the resolution adopted on the 27th ultimo, relative to expenditures from the appropriation for the construction of the Saut de Ste Marie canal; which communication was laid on the table and ordered printed.

(See Document, No. 60.)

Also, a communication from the same, transmitting a report from the superintendent of the Southern railroad, in reply to a resolution adopted on the 16th ultimo, relative to certain expenses incurred on said road; the said communication was referred to the committee on internal improvement.

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Thursday, March 4, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate, to transmit to the House of Representatives, Senate bill number thirty-four, "in rela-

tion to the university and primary school funds," which the Senate have passed, and respectfully ask the concurrence of the House in the same.

Also, to return to the House, House bill number ten, "to incorporate the Saline manufacturing company, of the county of Washtenaw," which the Senate have non-concurred in, and refused to pass.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message, was twice read, and referred to the committee on education.

RESOLUTIONS.

Mr. Curtis laid on the table the following preamble and joint resolution:

Whereas, by an act entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors," approved April 10, 1839, that no person shall be arrested or imprisoned on any civil process issuing out of any court of law, or justice's court, or any execution issuing out of any court of equity, in any suit or proceeding instituted for the recovery of any money due upon any judgment or decree founded upon contract, or due upon any contract, express or implied, or for the recovery of any damages for the non-performance of any contract, thereby abolishing imprisonment for debt; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the United States shall not hereafter be allowed the use of any county jail, or state or city prison, for the purpose of confining any citizen or inhabitant of this state, upon any civil process issuing out of any United States court, in any cause instituted for the recovery of any money due upon any judgment or decree founded upon contract, or due upon any contract, express or implied, or for the recovery of any damages for the non-performance of any contract.

Mr. Humphrey laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the acting governor be, and he is

hereby requested to complete the organization of the militia, in obedience to existing laws, by filling vacancies as they have occurred, or may occur, in the offices thereof, and by causing the enrolment, as speedily as may be, of all persons subject to military duty.

On motion of Mr. G. Spencer,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of increasing the amount of specific state tax now required of venders of ardent spirits, to aid in meeting anticipated wants of the treasury; and also what other ways and means can properly be adopted for the same purpose; with leave to report by bill or otherwise.

On motion of Mr. Walker,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending an act entitled "An act to amend chapter one, title four, and part three of the revised statutes, entitled 'of proceedings against debtors in attachment,' approved March 16, 1840," so that the plaintiff in attachment may appeal from the decision of an associate judge, dissolving attachment; and so that the property attached may not be released, in case of such an appeal, unless the defendant shall execute to the plaintiff, a bond to pay the damages proved, and costs of said attachment, shall be sustained by the circuit court, and if not sustained, the bond to be null and void.

On motion of Mr. Porter,

Resolved, That the select committee on the judiciary, to which was referred a resolution inquiring into the expediency of amending the existing law relative to specific taxes, be instructed to report as soon as practicable.

Mr. Metcalf moved that the House take up for consideration, the "joint resolution relative to adjournment;" which motion did not prevail.

Mr. Bingham laid on the table, the following joint resolution:

Resolved, (if the Senate concur,) That this legislature will adjourn, on Monday, the 8th of March, instant.

The bill to amend "An act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834," was then taken up for a third reading.

On motion of Mr. Walker,

And by general consent, the fourth section was amended by striking out all after the word "present," in the seventh line, and inserting the following in lieu thereof, to wit:

"And proxies duly appointed by absent members by power of attorney duly executed under seal, and properly acknowledged, constituting an election, allowing to each member one vote, and in cases of insurance upon property, in which more than one individual is interested or concerned, the firm or company shall be entitled to one vote only; hereby repealing so much of section three of the original charter, as contravenes this act: *Provided*, That if said proxies reside in the county of Kalamazoo, such power of attorney shall be on file in the secretary's office, at least one week before the election at which they are used."

And the said bill was then read a third time, and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,
Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Brown,	Mr. Mather,	Mr. Sprague,
Mr. Castle,	Mr. Metcalf,	Mr. Strong,
Mr. Cook,	Mr. Morton,	Mr. Tyler,
Mr. Copeland,	Mr. Pierce,	Mr. Walker,
Mr. Daniels,	Mr. Porter,	Mr. Wilcox,
Mr. Geddes,	Mr. Redfield,	Mr. Willits,
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,
Mr. Hammond,	Mr. Richardson,	

29

NAYS.

Mr. Bingham,	Mr. Humphrey,	Mr. Philbrick,
Mr. Clark,	Mr. Lee,	Mr. M. Spencer,
Mr. Coates,	Mr. Leech,	Mr. G. Spencer,
Mr. Curtis,	Mr. H. L. Miller,	Mr. Tinney,

12

The "bill amendatory to 'An act to amend the revised statutes relative to primary schools,' approved April 1, 1840," was then taken up, read a third time, and passed, by the following vote:

YEAS.

Mr. Biddle,	Mr. Hammond,	Mr. M. Spencer,
Mr. Bingham,	Mr. Harding,	Mr. G. Spencer,
Mr. Brown,	Mr. Humphrey,	Mr. Stockton,
Mr. Castle,	Mr. Lamb,	Mr. Strong,
Mr. Clark,	Mr. Lee,	Mr. Tinney,
Mr. Coates,	Mr. Leech,	Mr. Tyler,
Mr. Cook,	Mr. Mather,	Mr. Walker,
Mr. Curtis,	Mr. Metcalf,	Mr. Wilcox,
Mr. Daniels,	Mr. Porter,	Mr. Willits,
Mr. Geddes,	Mr. Rogers,	Mr. Speaker,
Mr. Gillett,	Mr. Root,	32

NAYS.

Mr. Copeland,	Mr. Morton,	Mr. Renwick,
Mr. Hawley,	Mr. Philbrick,	Mr. Smith,
Mr. H. L. Miller,	Mr. Pierce,	Mr. Sprague,
		9

On motion of Mr. Walker,

The House resolved itself into committee of the whole, on the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings;" Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments; which were concurred in, collectively.

The said bill being still under consideration,

Mr. G. Spencer moved to fill the blank in the last section with the words "fourth day of July."

Mr. Bingham moved to fill the blank with the "first of February next;" which motion did not prevail.

The motion of Mr. G. Spencer, was then decided in the affirmative.

On motion of Mr. Metcalf,

The following was adopted as an additional section, to stand as section 178, to wit:

"Nothing in this act shall be construed as in anywise repealing the provisions of an act approved April 10, 1839, entitled 'An act to abolish imprisonment for debt, and to punish fraudulent debtors.' "

Mr. Richardson moved to amend the ninety-seventh section, by adding the following proviso thereto, to wit:

“Provided, that no appeal shall lie where the sum claimed to be due by either party, shall not exceed five dollars.”

Mr. Coates moved to amend the amendment by striking out “five dollars,” and inserting in lieu thereof, “twenty dollars;” which motion did not prevail.

Mr. Renwick then moved to strike out “five dollars,” and insert “ten dollars.” The motion prevailed.

The question recurring upon Mr. Richardson’s amendment, as amended,

Mr. Coates offered the following as a substitute therefor, to wit:

“Provided, no appeal shall be had or allowed when the judgment or damages does not exceed the sum of ten dollars;” which was rejected by the following vote:

YEAS.

Mr. Castle,	Mr. Lee,	Mr. M. Spencer,
Mr. Clark,	Mr. Philbrick,	Mr. Sprague,
Mr. Coates,	Mr. Pierce,	Mr. Tinney,
Mr. Curtis,	Mr. Renwick,	Mr. Tyler,
Mr. Geddes,	Mr. Richardson,	Mr. Wilcox,
Mr. Harding,	Mr. Rogers,	Mr. Speaker,
Mr. Humphrey,		

19

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. Root,
Mr. Biddle,	Mr. Leech,	Mr. Smith,
Mr. Bingham,	Mr. Mather,	Mr. G. Spencer,
Mr. Brown,	Mr. Metcalf,	Mr. Stockton,
Mr. Cook,	Mr. H. L. Miller,	Mr. Walker,
Mr. Copeland,	Mr. Morton,	Mr. Willits,
Mr. Gillett,	Mr. Redfield,	Mr. Wood,
Mr. Hammond,		

22

Mr. Lamb moved a reconsideration of the vote just taken; which motion did not prevail.

The question then recurring upon Mr. Richardson’s amendment, as amended, it was adopted by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Root,
Mr. Biddle,	Mr. Lamb,	Mr. M. Spencer,
Mr. Brown,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Castle,	Mr. Philbrick,	Mr. Sprague,
Mr. Clark,	Mr. Pierce,	Mr. Tinney,

Mr. Coates,	Mr. Renwick,	Mr. Tyler,	
Mr. Geddes,	Mr. Richardson,	Mr. Wilcox,	
Mr. Harding,	Mr. Rogers,	Mr. Speaker,	24

NAYS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,	
Mr. Cook,	Mr. Leech,	Mr. Stockton,	
Mr. Copeland,	Mr. Mather,	Mr. Walker,	
Mr. Curtis,	Mr. H. L. Miller,	Mr. Willits,	
Mr. Gillett,	Mr. Morton,	Mr. Wood,	
Mr. Hammond,			16

Mr. Smith moved to adjourn; which motion was negatived.

The said bill was then ordered to a third reading, by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,	
Mr. Biddle,	Mr. Humphrey,	Mr. Root,	
Mr. Brown,	Mr. Lamb,	Mr. M. Spencer,	
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,	
Mr. Clark,	Mr. Metcalf,	Mr. Sprague,	
Mr. Cook,	Mr. Morton,	Mr. Walker,	
Mr. Coates,	Mr. Pierce,	Mr. Wilcox,	
Mr. Copeland,	Mr. Redfield,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Wood,	
Mr. Gillett,	Mr. Richardson,	Mr. Speaker,	
Mr. Hammond,			31

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Stockton,	
Mr. Curtis,	Mr. H. L. Miller,	Mr. Tinney,	
Mr. Lee,	Mr. Smith,	Mr. Tyler,	9

Mr. Metcalf moved that when the House adjourns, it adjourn until to-morrow morning, at ten o'clock; which motion prevailed.

Mr. Bingham then moved to adjourn; which motion was decided in the negative.

Mr. Hammond moved that the twenty-second rule be suspended, that the Senate "bill to prescribe the powers and duties of justices of the peace, in civil proceedings," might then be read a third time and passed; but, after some discussion,

Mr. Hammond withdrew his motion; and,

On motion of Mr. Copeland, the House adjourned.

Friday, March 5, 1841.

The House met pursuant to adjournment.

The roll being called, Mr. Tinney was absent without leave.

Mr. Philbrick asked and obtained leave of absence for Mr. Tinney, until Monday next.

PETITIONS.

By Mr. Barlow. Of the supervisor and clerk of the township of Chester, Eaton county, that the acts of the assessors of that township, for 1840, may be legalized. Referred to the committee on the judiciary.

By Mr. Castle. Of citizens of Caledonia, Shiawassee county, for the alteration of a township line.

By Mr. Copeland. A remonstrance of inhabitants of St. Clair county, against the removal of the county seat of that county. Both of which were referred to the committee on towns and counties.

Mr. Harding, from the committee on the judiciary, to which was referred the Senate "bill to amend part first, title five, chapter eight of the revised statutes, entitled 'of specific state taxes,'" reported the same back to the House, with a substitute therefor, entitled "a bill to abolish specific state tax on merchants and others;" which substitute was twice read; and,

On motion of Mr. G. Spencer,

The bill and substitute were both laid on the table.

Mr. Wilcox, from the committee on manufactures, reported "a bill to regulate the inspection of green and dry hides and skins, in the city of Detroit," which bill was twice read, referred to the committee of the whole and placed on the general order.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, March 3, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the honorable the House of Representatives, Senate bill number twenty-six, entitled "a bill exempting certain articles of per-

sonal property from sale on execution or attachment," and to inform you that the Senate have passed the said bill, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message, was twice read and referred to the committee on the judiciary.

Also, the following message from the Senate:

SENATE CHAMBER, }
Friday, March 4, 1841. }

To the Speaker of the House of Representatives:

SIR—Agreeably to the directions of the Senate, I have the honor to transmit to the House of Representatives, "a bill to authorize the county commissioners of the county of Genesee, to vacate a certain burying ground;"

Also, "a preamble and joint resolutions relative to the United States circuit court;"

Also, "a preamble and joint resolutions relative to certain citizens of the United States and state of Michigan;" all of which the Senate have this day passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message, was twice read and referred to the committee on the judiciary.

And the "preamble and joint resolution relative to the United States circuit court," were referred to the committee on the judiciary.

And the "preamble and joint resolution relative to certain citizens of the United States and the state of Michigan," were laid on the table for one day, according to rule.

On motion of Mr. Hammond,

The rule requiring joint resolutions to lay on the table for one day before considered, was suspended, that the "preamble and joint resolution relative to certain citizens of the United States and the state of Michigan," might then be considered; and the said preamble and joint resolution were then adopted.]

RESOLUTIONS AND NOTICES.

On motion of Mr. Biddle,

- Resolved*, That the committee on towns and counties be directed to inquire into the expediency of repealing all acts or parts of acts in relation to the place of holding the courts in the county of Shiawassee, thereby placing the said county under the general provisions of law in relation to the place of holding courts therein.

Mr. Lamb offered the following resolution, which was laid on the table for one day, by his consent:

Resolved, That the committee on the judiciary, inquire into the expediency of abolishing the law, making delinquent taxes returnable to the auditor general for collection, and that they report by bill or otherwise.

Mr. H. L. Miller gave notice, that at some future day, on leave being granted, he should bring in a bill authorizing the commissioners of internal improvement, to expend upon the Saginaw turnpike, between the villages of Flint and Saginaw, the unexpended balance of the sums heretofore appropriated for the construction of the Saginaw canal.

Mr. Mather gave notice that at some future day, he should ask leave to introduce a bill to prevent the killing of deer, at certain seasons of the year, and for other purposes.

On motion of Mr. Walker,

The "bill to provide for the construction of a turnpike on the Northern railroad," was made the special order of the day for to-morrow.

On motion of Mr. G. Spencer,

The House took up from the table for consideration, the "bill to amend an act entitled 'An act to incorporate the village of Ypsilanti,' and the act or acts amendatory thereof;" and the question being upon concurring in the Senate amendments to the bill, the same were unanimously concurred in by the House, and the bill ordered to be enrolled.

On motion of Mr. Castle,

The "bill to obviate the illegality of certain acts of the commissioners of highways, of the township of Sena, in the county

of Clinton, in this state," was taken up from the table, and referred to the committee of the whole.

On motion of Mr. Curtis,

The joint resolution offered by him, and laid on the table yesterday, "relative to the use of the prisons of this state by the United States," was taken up and referred to the committee on the judiciary.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of House bill No. 40, being "a bill to legalize certain taxes in Ionia county;" and the same was then taken up in the House.

Mr. Hammond moved to amend said bill, by striking out all after the enacting clause; which motion prevailed.

On motion of Mr. Metcalf,

The House resolved itself into committee of the whole, upon the "bill making further appropriations for continuing the building of the state prison;" Mr. Porter in the chair.

After some time spent thereon, the committee rose, reported progress and asked to be discharged from its further consideration; and the committee was discharged, and the bill,

On motion of Mr. Hammond, was recommitted to the committee on the state prison.

On motion, the House adjourned.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the following members were absent without leave, viz: Messrs. Clark and Tyler.

Mr. Coates asked and obtained leave of absence for Mr. Clark, until Tuesday next.

Mr. Metcalf for Mr. Tyler, on account of indisposition.

On motion of Mr. Morton,

The Senate "bill to prescribe the powers and duties of justices of the peace, in civil proceedings," was taken up for a third reading.

Mr. Bingham moved to recommit said bill to the committee

on the judiciary, with instruction to restore, at the end of the 72d section, the words following, to wit:

“ But in no case shall an execution issue against the body of the surety;” which motion prevailed.

On motion of Mr. Castle,

The committee of the whole was discharged from the further consideration of the Senate “ bill to organize certain townships, and for other purposes;” and, the same was then taken up for consideration; and the question being upon the adoption of the amendment to said bill, reported by the committee on roads and bridges,

Mr. Coates moved to amend said amendment, by striking out the first section of said bill; which motion did not prevail.

The amendment reported by the committee, was then adopted; and the said bill was then ordered to be read a third time.

On motion of Mr. Copeland,

The 22d rule, requiring bills to be read a second and third time on different days, was suspended; and, the said bill was then read a third time and passed.

Mr. G. Spencer, from the judiciary committee, reported back to the House, by general consent, the “ bill to prescribe the powers and duties of justices of the peace, in civil proceedings,” with the amendment, as ordered by the House; and the said bill was, by general consent, then read a third time and passed.

Mr. Strong, from the select committee appointed to investigate the affairs of the banks of the city of Detroit, submitted an unanimous report on that subject; also, another report from the majority of said committee, on the same subject; which, having been read, were, with the accompanying documents, laid on the table and ordered printed.

(See Document, No. 61.)

Mr. Richardson gave notice, that at some future day, he should ask leave to introduce a bill providing for the purchase, by the state, of the Detroit and Pontiac railroad.

Mr. Coates, from the committee on enrolment, reported as correctly enrolled, the following, to wit:

“An act to provide for the further construction of certain works of internal improvement;” “An act to repeal the third section of an act entitled ‘An act to organize certain townships, and for other purposes.’ ”

On motion of Mr. Bingham, the House adjourned.

Saturday, March 6, 1841.

The House met pursuant to adjournment.

The roll being called, the members were all present, except those absent on leave.

PETITIONS.

By Mr. Root. Of one hundred and twenty-eight inhabitants of Plymouth, Wayne county, that the currency may be sustained, by extending aid to the banks.

By Mr. Coates. A remonstrance of citizens of Oakland county, against allowing a further suspension to the banks.

By Mr. Olin. A petition of citizens of Calhoun county, that all necessary wearing apparel may be exempt from sale on execution.

By Mr. Stockton. Of Niles, Gilbert & Co., relative to their compensation for labor performed on the Clinton and Kalamazoo canal.

All of which petitions were laid on the table, reports having been made upon their several subjects.

By Mr. Olin. Of inhabitants of Pinckney, Calhoun county, that the name of their town may be changed to that of Clarence. Referred to the committee on towns and counties.

By Mr. Humphrey. Of certain witnesses before an investigating committee of the legislature of 1840, for payment for such attendance. Referred to the committee on claims.

REPORTS.

Mr. Porter, from the minority of the committee on the judiciary, reported “a bill to amend chapter eight, title five, part one of the revised statutes, ‘relative to specific taxes;’ ” which was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Harding, from the committee on the judiciary, to which was referred "a bill authorizing mortgagees to redeem real estate sold for taxes and assessments," reported the same back to the House, together with a substitute therefor, entitled "a bill authorizing mortgagees and others, to pay taxes on real estate in certain cases;" which was twice read, and the bill and substitute were both referred to the committee of the whole, and placed on the general order.

Mr. G. Spencer, from the committee on the judiciary, to which was referred "a joint resolution relative to the use of the prisons of this state, by the United States," reported that in the opinion of the committee, no legislation was necessary in the premises; and the committee were, upon his motion, discharged from its further consideration.

The same, from the same committee, to which was referred the joint resolutions from the Senate, "relative to the United States circuit court," reported the same back to the House, and recommended its passage; and the same were then referred to the committee of the whole, and placed on the general order.

The same, from the same committee, to which was referred the Senate "bill exempting certain articles of personal property from sale on execution or attachment," and the House "bill to provide for the exemption of certain property from execution," reported that, in the opinion of the committee, it was inexpedient to pass either of said bills, as the provisions therein contained, were sufficiently embodied in the "bill to prescribe the powers and duties of justices of the peace in civil proceedings;" and the committee were, upon his motion, discharged from their further consideration.

Mr. Metcalf, from the committee on internal improvement, to which was referred "a bill in reference to the Palmyra and Jacksonburg railroad," reported the same back to the House, accompanied with a report thereon, and a substitute for said bill, entitled "a bill for the purchase and completion of the Palmyra and Jacksonburg railroad," &c.; which was twice read, and the bill and substitute both referred to the committee

of the whole and placed on the general order, and the report was laid on the table and ordered printed.

(See Document, No. 62.)

Mr. Richardson, from the committee on the judiciary, to which was referred sundry petitions for a change in the judicial system, reported "a bill to prohibit the presiding judges of the circuit courts from acting in certain cases;" which was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which was referred a resolution directing them "to inquire into the expediency of repealing all acts or parts of acts in relation to the place of holding the courts in the county of Shiawassee, thereby placing the said county under the general provisions of law in relation to the place of holding courts therein," reported the same back to the House, asking to be discharged from its further consideration, and moved its reference to the committee on the judiciary; and the committee on towns and counties was accordingly discharged, and the reference so made.

The same, from the same committee, to which was referred sundry petitions and remonstrances relative to the removal of the county seat of St. Clair county, reported the same back to the House, and asked to be discharged from their further consideration; and the committee was accordingly discharged.

Mr. Walker, from the committee on the judiciary, to which was referred the petition of the supervisor and clerk of the township of Chester, Eaton county, for the legalization of certain acts of the assessors of said town, for 1840, reported that in the opinion of the committee, it was improper and inexpedient to legalize illegal acts; and the committee, upon his motion, was discharged from its further consideration.

Mr. H. L. Miller, pursuant to previous notice, asked and obtained leave to introduce "a bill authorizing the expenditure of the balance of the appropriations heretofore made for the construction of the Saginaw canal, on the Saginaw turnpike, and for other purposes."

And the same was twice read, and referred to the committee on internal improvement.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Friday, March 5, 1841. }

To the Speaker of the House of Representatives :

SIR—I am directed by the Senate to transmit to the House, Senate bill number four, “to apportion anew the representatives and senators among the several counties and districts of this state;” which the Senate have passed, and respectfully ask the concurrence of the House in the same.

Also, to return the House bill number nine, “to reduce the price of public printing, and for other purposes;” which the Senate have passed with sundry amendments, in which the concurrence of the House is respectfully asked.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message, was twice read and referred to the committee on apportionment.

And the bill returned by the above message, with the amendments made thereto by the Senate, was referred to the committee on printing.

On motion of Mr. Hammond,

The House took up the preamble and joint resolution from the Senate, “relative to the United States circuit court;” which resolution was then considered and adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Richardson,
Mr. Bingham,	Mr. Humphrey,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. Russell,
Mr. Coates,	Mr. Lee,	Mr. Smith,
Mr. Cook,	Mr. Leech,	Mr. Sprague,
Mr. Copeland,	Mr. Mather,	Mr. Stockton,
Mr. Curtis,	Mr. H. L. Miller,	Mr. Strong,
Mr. Daniels,	Mr. Morton,	Mr. Walker,
Mr. Dolsen,	Mr. Olin,	Mr. Wilcox,

Mr. Geddes,	Mr. Philbrick,	Mr. Willits,	
Mr. Gillett,	Mr. Pierce,	Mr. Wood,	
Mr. Hammond,	Mr. Redfield,	Mr. Speaker,	42
NAYS.			

0

On motion of Mr. Richardson,

Resolved, That the committee on the judiciary be instructed to inquire whether any change is required in the existing law which provides against the abatement of actions, where a sole plaintiff shall die after verdict, and before judgment; to report by bill or otherwise.

Mr. Lamb gave notice that he should ask leave, on a future day, to introduce a bill to authorize William H. Griswold, a minor, to convey real estate, in the state of Michigan.

The Chair announced as the special order of the day, the "bill to provide for the construction of a turnpike upon the Northern railroad."

Mr. Stockton moved to postpone the consideration of the special order, that the House "bill to provide for the further construction and preservation of the Clinton and Kalamazoo canal," might then be considered; which motion did not prevail.

The House then resolved itself into committee of the whole on the special order of the day, Mr. Geddes in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

The Chair announced the following special message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, an act entitled,

1st. "An act amendatory to the several acts incorporating the trustees of the Wesleyan seminary at Albion;"

2d. An act entitled "An act to provide for the compensation of township collectors;"

3d. And a "Joint resolution relative to the state salt springs."

J. WRIGHT GORDON.

Executive Office, March 6, 1841.

On motion of Mr. Metcalf, the House adjourned.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Barlow and G. Spencer were absent without leave.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the "bill to provide for the construction of a turnpike upon the Northern railroad;" and the same was then taken up for consideration.

Mr. Walker moved to amend the first section of said bill, in the third line, by inserting the words "sum of fifty thousand dollars of the," before the word "unexpended;" which motion was negatived, by the following vote:

YEAS.

Mr. Biddle,	Mr. Leech,	Mr. Russell,
Mr. Bingham,	Mr. Metcalf,	Mr. Smith,
Mr. Castle,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Walker,
Mr. Humphrey,	Mr. Porter,	Mr. Wilcox,
Mr. Lamb,	Mr. Richardson,	Mr. Willits,
Mr. Lee,		

19

NAYS.

Mr. Brown,	Mr. Hawley,	Mr. Renwick,
Mr. Cook,	Mr. Larue,	Mr. Rogers,
Mr. Copeland,	Mr. J. Miller,	Mr. Root,
Mr. Daniels,	Mr. Morton,	Mr. M. Spencer,
Mr. Dolsen,	Mr. Olin,	Mr. Sprague,
Mr. Geddes,	Mr. Pierce,	Mr. Strong,
Mr. Hammond,	Mr. Redfield,	Mr. Speaker,
Mr. Harding,		

22

Mr. Bingham moved the following, as an additional section to said bill, to wit:

"Section 3. That thirty thousand dollars be, and the same is hereby appropriated out of the internal improvement fund, to be expended on the Detroit and Grand river turnpike."

Which amendment was rejected, as follows:

YEAS.

Mr. Bingham,	Mr. Lamb,	Mr. Redfield,
Mr. Castle,	Mr. Lee,	Mr. Richardson,
Mr. Coates,	Mr. Leech,	Mr. Russell,
Mr. Hammond,	Mr. H. L. Miller,	Mr. Smith,

Mr. Harding,	Mr. Philbrick,	Mr. Stockton,	
Mr. Humphrey,	Mr. Porter,	Mr. Walker,	18

NAYS.

Mr. Biddle,	Mr. Larue,	Mr. Root,	
Mr. Brown,	Mr. Metcalf,	Mr. M. Spencer,	
Mr. Cook,	Mr. J. Miller,	Mr. Sprague,	
Mr. Copeland,	Mr. Morton,	Mr. Strong,	
Mr. Daniels,	Mr. Olin,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	
Mr. Hawley,	Mr. Rogers,		23

Mr. Larue moved to amend said bill, by striking out all after the enacting clause, and inserting the following in lieu thereof, to wit:

“That the sum of dollars be, and the same is hereby appropriated, to be taken out of the unexpended appropriation heretofore made on the Northern railroad, to be expended under the direction of the board of internal improvement, in constructing a public highway on, or as near as may be, on the route of said road, and in such manner as the board of internal improvement may judge most advantageous to the country through which the road runs.”

A division of the question was ordered; and the motion to strike out prevailed, by the following vote:

YEAS.

Mr. Biddle,	Mr. Hammond,	Mr. Olin,	
Mr. Brown,	Mr. Harding,	Mr. Philbrick,	
Mr. Cook,	Mr. Hawley,	Mr. Pierce,	
Mr. Copeland,	Mr. Humphrey,	Mr. Rogers,	
Mr. Daniels,	Mr. Larue,	Mr. Root,	
Mr. Dolsen,	Mr. Metcalf,	Mr. M. Spencer,	
Mr. Geddes,	Mr. Morton,	Mr. Speaker,	
Mr. Gillett,			22

NAYS.

Mr. Wood,	Mr. H. L. Miller,	Mr. Sprague,	
Mr. Castle,	Mr. Porter,	Mr. Stockton,	
Mr. Coates,	Mr. Redfield,	Mr. Strong,	
Mr. Lamb,	Mr. Renwick,	Mr. Walker,	
Mr. Lee,	Mr. Russell,	Mr. Wilcox,	
Mr. Leech,	Mr. Smith,	Mr. Willits,	
Mr. J. Miller,			19

And the motion to insert, was decided in the affirmative, as follows:

YEAS.

Mr. Biddle,
Mr. Bingham,
Mr. Castle,
Mr. Coates,
Mr. Cook,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,
Mr. Hawley,

Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,

Mr. Redfield,
Mr. Richardson,
Mr. Rogers,
Mr. Russell,
Mr. Smith,
Mr. Strong,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

32

NAYS.

Mr. Brown,
Mr. Copeland,
Mr. Daniels,
Mr. Morton,

Mr. Pierce,
Mr. Renwick,
Mr. Root,

Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,

10

Mr. Walker moved to fill the blank in said bill, with the sum of \$50,000.

Mr. Harding moved to fill the blank with \$30,000.

The question being first taken upon Mr. Walker's motion, it being the largest sum, it was decided in the negative, as follows:

YEAS.

Mr. Bingham,
Mr. Castle,
Mr. Coates,
Mr. Curtis,
Mr. Humphrey,
Mr. Lamb,

Mr. Lee,
Mr. Leech,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,

Mr. Richardson,
Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Walker,
Mr. Willits,

18

NAYS.

Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,

Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Speaker,

24

Mr. Castle moved to fill the blank with \$40,000; which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Castle,	Mr. J. Miller,	Mr. Stockton,
Mr. Coates,	Mr. H. L. Miller,	Mr. Strong,
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,
Mr. Humphrey,	Mr. Porter,	Mr. Wilcox,
Mr. Lamb,	Mr. Richardson,	Mr. Willits,
Mr. Lee,	Mr. Russell,	Mr. Speaker, 21

NAYS.

Mr. Brown,	Mr. Hammond,	Mr. Pierce,
Mr. Cook,	Mr. Harding,	Mr. Redfield,
Mr. Copeland,	Mr. Hawley,	Mr. Renwick,
Mr. Daniels,	Mr. Larue,	Mr. Rogers,
Mr. Dolsen,	Mr. Metcalf,	Mr. Root,
Mr. Geddes,	Mr. Morton,	Mr. M. Spencer,
Mr. Gillett,	Mr. Olin,	Mr. Sprague, 21

Mr. Richardson then moved to fill the blank with \$35,000; which motion prevailed as follows:

YEAS.

Mr. Castle,	Mr. J. Miller,	Mr. Smith,
Mr. Coates,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Strong,
Mr. Hammond,	Mr. Porter,	Mr. Walker,
Mr. Humphrey,	Mr. Redfield,	Mr. Wilcox,
Mr. Lee,	Mr. Richardson,	Mr. Willits,
Mr. Leech,	Mr. Russell,	Mr. Speaker, 21

NAYS.

Mr. Brown,	Mr. Harding,	Mr. Pierce,
Mr. Cook,	Mr. Hawley,	Mr. Renwick,
Mr. Daniels,	Mr. Larue,	Mr. Rogers,
Mr. Dolsen,	Mr. Metcalf,	Mr. Root,
Mr. Geddes,	Mr. Morton,	Mr. M. Spencer,
Mr. Gillett,	Mr. Olin,	Mr. Sprague, 18

Mr. Metcalf moved to amend the first section, by adding the following thereto, to wit: "beginning at the village of Port Huron, and extending as far west as that sum will enable the said board to construct said road."

Mr. H. L. Miller moved the following as a substitute therefor, to wit: "one half of said sum to be expended by said commissioner west of Port Huron, commencing at said place, and the remaining half, west of Flint village, commencing at said village;" which substitute was rejected, as follows:

YEAS.

Mr. Castle,
Mr. Curtis,
Mr. Geddes,
Mr. Gillett,
Mr. Humphrey,
Mr. Lee,

Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,

Mr. Root,
Mr. Smith,
Mr. Stockton,
Mr. Strong,
Mr. Walker,

16

NAYS.

Mr. Bingham,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Dolsen,
Mr. Harding,
Mr. Hawley,
Mr. Lamb,

Mr. Larue,
Mr. Leech,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Renwick,

Mr. Rogers,
Mr. Russell,
Mr. M. Spencer,
Mr. Sprague,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

22

The question then recurring upon Mr. Metcalf's amendment, it was rejected, as follows:

YEAS.

Mr. Daniels,

Mr. Metcalf,

2

NAYS.

Mr. Bingham,
Mr. Brown,
Mr. Castle,
Mr. Coates,
Mr. Copeland,
Mr. Curtis,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,
Mr. Humphrey,
Mr. Lamb,

Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,

Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

37

Mr. Curtis offered the following additional section to said bill, to wit:

"Sec. 2. That the sum of \$25,000 be, and the same is hereby appropriated out of the internal improvement fund, not otherwise appropriated, to be laid out on the Detroit and Grand river road;" which was adopted by the following vote:

YEAS.

Mr. Bingham,
Mr. Castle,

Mr. Humphrey,
Mr. Lee,

Mr. Redfield,
Mr. Richardson,

Mr. Coates,
Mr. Curtis,
Mr. Dolsen,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,

Mr. Leech,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,

Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Walker,
Mr. Speaker,

22

NAYS.

Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Hawley,
Mr. Lamb,

Mr. Larue,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,
Mr. Wilcox,
Mr. Willits,

19

Mr. Miller moved to amend the second section, by adding thereto, the following proviso, to wit:

“ Provided, however, That no appropriation made under this act, shall be paid out of any fund except moneys coming into the treasury under the internal improvement fund;” which motion was not adopted.

On motion of Mr. Hammond,

The second section of said bill was amended by striking out the words following, to wit: “ out of the internal improvement fund not otherwise appropriated;” and inserting in lieu thereof, the words following, to wit: “ out of the unexpended balance heretofore appropriated on the Northern railroad.”

On motion of Mr. Metcalf,

The said bill was further amended, by adding the following section thereto, to wit:

“ Sec. 3. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the sum of sixty-five thousand dollars be, and the same is hereby appropriated out of any moneys which shall hereafter come into the treasury of this state, to the credit of the fund of internal improvement, for the construction and preservation of the Clinton and Kalamazoo canal, agreeably to its present location.”

The said bill was then ordered engrossed for a third reading, by the following vote:

YEAS.

Mr. Bingham,

Mr. Leech,

Mr. Smith,

Mr. Castle,
Mr. Coates,
Mr. Curtis,
Mr. Dolsen,
Mr. Hammond,
Mr. Humphrey,
Mr. Lee,

Mr. Metcalf,
Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,

Mr. Stockton,
Mr. Strong,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

23

NAYS.

Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,

Mr. Pierce,
Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. Sprague,

19

On motion of Mr. Hawley, the House adjourned until ten o'clock, on Monday morning.

Monday, March 8, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, the members were all present except those absent on leave.

PETITIONS.

By Mr. Bush. Of inhabitants of Livingston county, relative to the disposition of moneys paid road commissioners for road taxes on non-resident lands. Referred to the committee on roads and bridges.

By Mr. Geddes. Of the "Washtenaw guards," for payment of a certain claim. Referred to the committee on the militia.

By Mr. Renwick. Of sundry inhabitants of Saline, in the county of Washtenaw, for the passage of a certain act therein recited, with sundry amendments. Laid on the table, a report having been made on the subject.

Mr. Pierce presented the claim of Alvin T. Crossman, brigade inspector, for certain services rendered. Referred to the committee on claims.

Mr. Barlow presented a memorial of citizens of Allegan

county, relative to the apportionment of representatives; which was laid on the table and ordered printed.

(See Document, No. 63.)

REPORTS.

Mr. Metcalf, from the majority of the committee on internal improvement, to which was referred the "bill authorizing the expenditure of the balance of an appropriation heretofore made for the construction of the Saginaw canal, on the Saginaw turnpike, and for other purposes," reported the same back to the House, and adversely to the passage thereof, and asked to be discharged from its further consideration.

The committee was accordingly discharged, and the bill referred to the committee of the whole, and placed on the general order.

Mr. Larue, from the select committee on university and state lands, reported "a bill to amend an act entitled 'An act to provide for the sale of certain lands to the settlers thereon, and for other purposes,' approved March 25, 1840, and to extend the provisions thereof to persons in this act named."

Which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which was referred the petition of inhabitants of the town of Pinckney, for a change in the name of said town, reported "a bill to change the name of the township of Pinckney, in the county of Calhoun;" which was twice read, referred to the committee of the whole, and placed on the general order.

The same, from the same committee, to which was referred the petition of citizens of Caledonia, Shiawassee county, for the alteration of a township line, reported the same back to the House, and adversely to the prayer of the petitioners, there having been no evidence adduced before the committee, to show that the notice required by law, had been given; and on his motion, the committee were discharged from its further consideration.

The Chair announced a communication from the superintendent of public instruction, in reply to a resolution adopted by

Mr. Coates offered the following resolution:

Resolved, That the select committee appointed to investigate the affairs of the Bank of Michigan and the Farmers' and Mechanics' bank, be instructed to report whether any of the members of the legislature stand indebted to the Bank of Michigan, on the books of that institution; and if so, what number, (without mentioning names,) the several amounts, and the aggregate amount of their indebtedness.

Mr. Smith moved to amend the same, by adding thereto, the following proviso:

"Provided, said members so indebted, and said institution, give their full and entire consent to such report."

Mr. Biddle moved to amend the amendment, by striking out of the resolution, all after the word "names."

Mr. Daniels moved to lay the whole subject on the table; which motion was negatived, as follows:

YEAS.

Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Hammond,
Mr. Hawley,

Mr. Mather,
Mr. Metcalf,
Mr. Olin,
Mr. Root,
Mr. Russell,

Mr. Smith,
Mr. G. Spencer,
Mr. Stockton,
Mr. Strong,
Mr. Speaker,

16

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Curtis,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,

Mr. Redfield,
Mr. Renwick,
Mr. Richardson,
Mr. Rogers,
Mr. M. Spencer,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,

32

The question then recurring upon Mr. Biddle's motion, the same prevailed.

The question then being upon Mr. Smith's amendment, as amended, he withdrew his said amendment; but

Mr. Bingham renewed the same; and, the question being taken, the amendment was rejected.

The resolution as amended, was then adopted by the following vote:

YEAS.

Mr. Biddle,	Mr. Lamb,	Mr. Porter,
Mr. Bush,	Mr. Larue,	Mr. Redfield,
Mr. Castle,	Mr. Lee,	Mr. Renwick,
Mr. Coates,	Mr. Leech,	Mr. Richardson,
Mr. Curtis,	Mr. J. Miller,	Mr. Russell,
Mr. Dolsen,	Mr. H. L. Miller,	Mr. M. Spencer,
Mr. Geddes,	Mr. Morton,	Mr. Tyler,
Mr. Gillett,	Mr. Philbrick,	Mr. Walker,
Mr. Harding,	Mr. Pierce,	Mr. Wood,
Mr. Humphrey,		

28

NAYS.

Mr. Bingham,	Mr. Metcalf,	Mr. Sprague,
Mr. Cook,	Mr. Olin,	Mr. Stockton,
Mr. Copeland,	Mr. Rogers,	Mr. Strong,
Mr. Daniels,	Mr. Root,	Mr. Wilcox,
Mr. Hammond,	Mr. Smith,	Mr. Willits,
Mr. Hawley,	Mr. G. Spencer,	Mr. Speaker,
Mr. Mather,		

19

On motion of Mr. Russell,

The vote just taken, was reconsidered; and the question then recurring upon the adoption of the resolution,

On motion of Mr. Strong,

It was laid on the table.

Mr. Barlow gave notice that he will, at some future day, ask leave to introduce a bill to organize a new township in the county of Barry.

Mr. Bush gave notice that he shall ask leave, on some future day, to introduce a bill to vacate the county seat of Livingston county, and to appoint commissioners to relocate the same.

Mr. Hawley gave notice that he will, at an early day, introduce a bill to authorize Jacob H. Divers, a minor, to sell lands in the state of Michigan.

Mr. Hammond, from the minority of the select committee appointed to investigate the condition and affairs of the banks in the city of Detroit, submitted a report thereon; which was read, and it was ordered to be laid on the table.

Mr. Smith then offered the following resolution:

Resolved, That five hundred copies of the several reports

made by the bank investigating committee to this House, be printed and stitched together.

Mr. Strong moved to amend the resolution, by striking out "five hundred copies," and inserting in lieu thereof, "one thousand copies;" which motion did not prevail.

Mr. Coates then moved to amend the resolution, so as to include the printing of all the petitions presented to the House on the subject of the currency; which motion was negatived.

The resolution was adopted by the following vote:

YEAS.

Mr. Barlow,	Mr. Lee,	Mr. Russell,
Mr. Biddle,	Mr. Mather,	Mr. Smith,
Mr. Bingham,	Mr. Metcalf,	Mr. M. Spencer,
Mr. Brown,	Mr. J. Miller,	Mr. Sprague,
Mr. Coates,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Copeland,	Mr. Morton,	Mr. Strong,
Mr. Geddes,	Mr. Olin,	Mr. Tyler,
Mr. Gillett,	Mr. Philbrick,	Mr. Walker,
Mr. Hammond,	Mr. Pierce,	Mr. Wilcox,
Mr. Harding,	Mr. Porter,	Mr. Willits,
Mr. Hawley,	Mr. Redfield,	Mr. Wood,
Mr. Humphrey,	Mr. Renwick,	Mr. Speaker,
Mr. Larue,	Mr. Richardson,	

38

NAYS.

Mr. Bush,	Mr. Dolsen,	Mr. Rogers,
Mr. Castle,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Leech,	Mr. G. Spencer,
Mr. Curtis,		

10

Mr. Richardson moved that the House take up for consideration, the resolution laid on the table on the fourth instant, relative to adjournment; which motion was decided in the negative, as follows:

YEAS.

Mr. Biddle,	Mr. Humphrey,	Mr. Philbrick,
Mr. Bingham,	Mr. Lamb,	Mr. Redfield,
Mr. Bush,	Mr. Lee,	Mr. Richardson,
Mr. Castle,	Mr. Leech,	Mr. Russell,
Mr. Coates,	Mr. H. L. Miller,	Mr. Smith,
Mr. Curtis,	Mr. Olin,	Mr. Speaker,
Mr. Hammond,		

19

NAYS.

Mr. Barlow,	Mr. Larue,	Mr. G. Spencer,
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Mr. Brown,	Mr. Mather,	Mr. Sprague,	
Mr. Cook,	Mr. Metcalf,	Mr. Stockton,	
Mr. Copeland,	Mr. J. Miller,	Mr. Strong,	
Mr. Daniels,	Mr. Morton,	Mr. Tyler,	
Mr. Dolsen,	Mr. Pierce,	Mr. Walker,	
Mr. Geddes,	Mr. Renwick,	Mr. Wilcox,	
Mr. Gillett,	Mr. Rogers,	Mr. Willits,	
Mr. Hawley,	Mr. Root,	Mr. Wood,	27

The "bill to provide for the construction of a turnpike on the Northern railroad," was taken up, read the third time, and the question being upon the passage of said bill, pending which,

On motion of Mr. Morton, the House adjourned until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Biddle, Bush, Humphrey, J. Miller, Richardson and Wood were absent without leave.

The House resumed the consideration of the unfinished business of the morning, and the question being upon the final passage of the "bill to provide for the construction of a turnpike on the Northern railroad."

Mr. Walker moved to postpone the further consideration of said bill until to-morrow; which motion was negatived by the following vote:

YEAS.

Mr. Barlow,	Mr. Leech,	Mr. Smith,	
Mr. Bingham,	Mr. H. L. Miller,	Mr. Stockton,	
Mr. Castle,	Mr. Philbrick,	Mr. Walker,	
Mr. Coates,	Mr. Porter,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Redfield,	Mr. Willits,	
Mr. Lamb,	Mr. Russell,	Mr. Speaker,	
Mr. Lee,			19

NAYS.

Mr. Brown,	Mr. Larue,	Mr. Rogers,	
Mr. Cook,	Mr. Mather,	Mr. Root,	
Mr. Copeland,	Mr. Metcalf,	Mr. M. Spencer,	
Mr. Geddes,	Mr. Morton,	Mr. Sprague,	
Mr. Gillett,	Mr. Olin,	Mr. Strong,	
Mr. Harding,	Mr. Pierce,	Mr. Tyler,	
Mr. Hawley,	Mr. Renwick,		20

The question recurring upon the passage of said bill,

Mr. Bingham moved a call of the House; which motion was sustained.

And the roll being called, Messrs. Bush, Humphrey, J. Miller, Richardson and Wood, were absent without leave.

On motion of Mr. Bingham,

The sergeant-at-arms was directed to bring in the absentees, and the absentees soon appearing in their seats,

On motion of Mr. Metcalf, the further proceedings under the call were dispensed with.

The question again recurring upon the passage of said bill, it was lost by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Richardson,
Mr. Bingham,	Mr. Lamb,	Mr. Russell,
Mr. Bush,	Mr. Lee,	Mr. Smith,
Mr. Castle,	Mr. Leech,	Mr. Stockton,
Mr. Coates,	Mr. H. L. Miller,	Mr. Wilcox,
Mr. Curtis,	Mr. Philbrick,	Mr. Wood,
Mr. Hammond,	Mr. Porter,	Mr. Speaker,

21

NAYS.

Mr. Biddle,	Mr. Larue,	Mr. Rogers,
Mr. Brown,	Mr. Mather,	Mr. Root,
Mr. Cook,	Mr. Metcalf,	Mr. M. Spencer,
Mr. Copeland,	Mr. J. Miller,	Mr. G. Spencer,
Mr. Daniels,	Mr. Morton,	Mr. Sprague,
Mr. Dolsen,	Mr. Olin,	Mr. Strong,
Mr. Geddes,	Mr. Pierce,	Mr. Tyler,
Mr. Gillett,	Mr. Redfield,	Mr. Walker,
Mr. Harding,	Mr. Kenwick,	Mr. Willits,
Mr. Hawley,		

28

Mr. Metcalf moved a reconsideration of the vote just taken.

Mr. Porter moved to lay that motion on the table; which motion was negatived, as follows:

YEAS.

Mr. Bush,	Mr. Leech,	Mr. Smith,
Mr. Castle,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Walker,
Mr. Curtis,	Mr. Porter,	Mr. Wilcox,
Mr. Humphrey,	Mr. Richardson,	Mr. Wood,
Mr. Lee,	Mr. Russell,	Mr. Speaker,

18

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Redfield,
Mr. Biddle,	Mr. Hawley,	Mr. Renwick,
Mr. Bingham,	Mr. Lamb,	Mr. Rogers,

Mr. Brown,	Mr. Larue,	Mr. Root,
Mr. Cook,	Mr. Mather,	Mr. M. Spencer,
Mr. Copeland,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Daniels,	Mr. J. Miller,	Mr. Sprague,
Mr. Dolsen,	Mr. Morton,	Mr. Strong,
Mr. Geddes,	Mr. Olin,	Mr. Tyler,
Mr. Gillett,	Mr. Pierce,	Mr. Willits,
Mr. Hammond,		

31

Mr. Bingham moved a reconsideration of the vote upon Mr. Porter's motion to lay Mr. Metcalf's motion on the table.

Mr. Lamb moved to lay Mr. Bingham's motion on the table; which motion did not prevail.

Mr. Coates moved to adjourn; which motion was negatived by the following vote:

YEAS.

Mr. Bingham,	Mr. Lamb,	Mr. Russell,
Mr. Bush,	Mr. Lee,	Mr. Smith,
Mr. Coates,	Mr. Leech,	Mr. Walker,
Mr. Curtis,	Mr. Philbrick,	Mr. Wilcox,
Mr. Humphrey,	Mr. Richardson,	

14

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,
Mr. Biddle,	Mr. Larue,	Mr. Root,
Mr. Brown,	Mr. Mather,	Mr. M. Spencer,
Mr. Castle,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Cook,	Mr. J. Miller,	Mr. Sprague,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Daniels,	Mr. Morton,	Mr. Strong,
Mr. Dolsen,	Mr. Olin,	Mr. Tyler,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Redfield,	Mr. Wood,
Mr. Hammond,	Mr. Renwick,	Mr. Speaker,
Mr. Harding,		

34

The question recurring upon Mr. Bingham's motion to reconsider the vote on Mr. Porter's motion to lay Mr. Metcalf's motion on the table; it did not prevail.

The question then recurring upon Mr. Metcalf's motion to reconsider the vote on the passage of the bill,

Mr. Harding moved the previous question; which motion was sustained by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Rogers,
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Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Renwick,

Mr. Root,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Willits,
Mr. Speaker,

29

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,
Mr. Lamb,

Mr. Lee,
Mr. Leech,
Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Walker,
Mr. Wilcox,
Mr. Wood,

20

Mr. Leech moved to adjourn; which motion was negatived, as follows:

YEAS.

Mr. Bingham,
Mr. Coates,
Mr. Humphrey,

Mr. Lee,
Mr. Leech,
Mr. Richardson,

Mr. Russell,
Mr. Walker,
Mr. Wilcox,

9

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

35

The question then being, "shall the main question be now put?" the same was decided in the affirmative.

And the main question being upon reconsidering the vote upon the passage of said bill; it was negatived, by the following vote:

YEAS.

Mr. Bush,
Mr. Castle,

Mr. Lee,
Mr. H. L. Miller,

Mr. Richardson,
Mr. Russell,

Mr. Coates,
Mr. Curtis,
Mr. Humphrey,
Mr. Lamb,

Mr. Philbrick,
Mr. Porter,
Mr. Redfield,

Mr. Smith,
Mr. Stockton,
Mr. Wood,

16**NAYS.**

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Larue,
Mr. Leech,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Renwick,
Mr. Rogers,

Mr. Root,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

32

On motion of Mr. Harding, the House adjourned.

Tuesday, March 9, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Mr. Tinney was absent without leave.

PETITIONS.

By Mr. Olin. Of citizens of Marshall, Calhoun county, for the passage of the (so called) two-thirds bill. Laid on the table; a report having been made on the subject.

Mr. G. Spencer presented the application of James Vanderbilt, that power may be granted the minor heirs of Rachel Force, to sell certain lands. Referred to the committee on the judiciary.

REPORTS.

Mr. Wilcox, from the committee on manufactures, to which was referred the joint resolution from the Senate "relative to the domestic production of copper," &c., reported the same back to the House, and recommended its passage; which resolution was placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which was referred sundry petitions and remonstrances

relative to the organization of new townships, reported the same back to the House, and adversely to the objects prayed for, by said petitioners; and the committee, upon his motion, was discharged from the further consideration of the same.

Mr. Barlow, from the committee on banks and incorporations, to which was referred a "bill to incorporate the Adrian church association," reported the same back to the House, without amendment; and the bill was then referred to the committee of the whole, and placed on the general order.

Mr. Harding, from the committee on the judiciary, to which was referred the petition and papers of Eli Curtis, complaining of the conduct of the hon. Charles W. Whipple, in discharging the petitioner from the petit jury of Oakland county, in 1839, reported that the petitioner having desired to withdraw his petition and papers, on account of the lateness of the session, and reserving his right to present the same to a subsequent session of the legislature, the committee reported the same back to the House, and recommended that the petitioner have leave to withdraw his said petition.

Such leave was granted, and the committee was discharged from the further consideration of the subject.

Mr. Sprague, from the committee on education, to which was referred the Senate "bill in relation to the university and primary school fund," reported the same back to the House, adversely to its passage; and the committee, upon his motion, was discharged from its further consideration.

And the bill was then referred to the committee of the whole, and placed on the general order.

Mr. Walker, from the committee on the judiciary, reported "a bill relative to attachments in circuits courts;" which was twice read, referred to the committee of the whole and placed on the general order.

Mr. Hawley, pursuant to previous notice, asked and obtained leave to introduce "a bill to authorize Jacob H. Divers, a minor, to sell certain lands therein described;" which was twice read, and referred to the committee on the judiciary.

Mr. Lamb, pursuant to previous notice, asked and obtained

leave to introduce "a bill for the regulation of township officers, and for other purposes;" which was twice read, and referred to the committee on ways and means.

Mr. Barlow, pursuant to previous notice, asked and obtained leave to introduce "a bill to organize the township of Spalding."

On motion of Mr. Copeland,

The twenty-second rule, requiring the second and third readings of bills to be on different days, was suspended, that said bill might then be read a third time.

And the said bill was then read a third time and passed.

The Chair announced a communication from the attorney general, in reply to the resolution adopted on the 12th ultimo, in relation to the legality of certain payments made by the auditor general, to the state printer; which communication was laid on the table and ordered printed.

(See Document, No. 65.)

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, March 8, 1841. }

To the Speaker of the House of Representatives :

SIR—In compliance with the directions of the Senate, I herewith return to you, with the concurrence of the Senate, the House "joint resolution requiring the secretary of State to transmit certain documents to the executive of the state of Alabama."

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Lamb,

The House took up from the table, the resolution offered by him on the 5th instant, instructing the judiciary committee to bring in a bill abolishing all existing laws requiring the return of lands for taxes, to the office of the auditor general.

Mr. Coates moved an indefinite postponement of its further consideration; which motion was decided in the affirmative, as follows:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,

Mr. Harding,
Mr. Hawley,
Mr. Mather,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,

Mr. Root,
Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

20

NAYS.

Mr. Bingham,
Mr. Brown,
Mr. Castle,
Mr. Clark,
Mr. Curtis,
Mr. Humphrey,
Mr. Lamb,

Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Philbrick,

Mr. Redfield,
Mr. Richardson,
Mr. Russell,
Mr. M. Spencer,
Mr. Stockton,
Mr. Wilcox,

19

RESOLUTIONS AND NOTICES.

On motion of Mr. Walker,

Resolved, That the sergeant-at-arms be instructed to inquire whether all the copies of the report of the state geologist ordered to be printed, have been received from the office of the state printer, and distributed among the members.

Mr. Castle gave notice, that on some future day, he should ask leave to introduce a bill making appropriations for the internal improvement of the state.

Mr. Coates, (by consent of the House,) from the committee on enrolment, who, by resolution of the House of yesterday, was directed to inquire into the necessity of employing additional clerks, reported, that in their opinion, additional assistance is needed by the enrolling clerk of this House, to enable him properly to discharge the duties of his office.

Mr. Richardson then offered the following resolution, which was adopted:

Resolved, That the enrolling clerk of this House, be authorized to employ, under the direction of the Speaker, such assistants as may be necessary for the residue of the present session.

The Chair announced as the special order of the day, the

Senate "bill relative to the sale of real and personal estate on execution."

Mr. Hammond moved to postpone its consideration for one week; which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Richardson,	
Mr. Biddle,	Mr. Hammond,	Mr. Rogers,	
Mr. Bingham,	Mr. Harding,	Mr. Root,	
Mr. Brown,	Mr. Mather,	Mr. G. Spencer,	
Mr. Cook,	Mr. J. Miller,	Mr. Sprague,	
Mr. Curtis,	Mr. Morton,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Pierce,	Mr. Speaker,	
Mr. Geddes,	Mr. Renwick,		23

NAYS.

Mr. Bush,	Mr. Larue,	Mr. Russell,	
Mr. Castle,	Mr. Lee,	Mr. Smith,	
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,	
Mr. Coates,	Mr. Metcalf,	Mr. Stockton,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Daniels,	Mr. Olin,	Mr. Tyler,	
Mr. Hawley,	Mr. Philbrick,	Mr. Walker,	
Mr. Humphrey,	Mr. Porter,	Mr. Willits,	
Mr. Lamb,	Mr. Redfield,	Mr. Wood,	27

The House then resolved itself into committee of the whole on said bill; Mr. Wilcox in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Metcalf, the House adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the same members were present as in the morning.

Mr. Biddle offered the following resolution, which was adopted:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of providing by law, for a limitation of the operation of all acts of appropriation to a definite period, and for the disposal of balances of appropriations remaining unexpended at the expiration of that period.

Mr. Coates, from the committee on enrolment, reported as

correctly enrolled, "a joint resolution requiring the secretary of state to transmit certain documents to the executive of the state of Alabama."

Mr. Metcalf moved that the House again resolve itself into committee of the whole, on the Senate "bill relative to the sale of real and personal estate on execution."

Mr. G. Spencer moved that the further consideration of said bill be postponed until Tuesday next; which motion did not prevail.

The question then recurring upon Mr. Metcalf's motion, the same prevailed; and the House then went into committee of the whole on said bill; Mr. Wilcox in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in; said bill being still under consideration.

On motion of Mr. Geddes, the following was adopted, to stand as

"Sec. 5. Whenever any real estate shall be levied upon and offered for sale, and the same shall not be sold by reason of the two-thirds appraisal value not having been bid, such levy shall create a lien upon such estate; and the lien so created, shall remain until released by the plaintiff in execution, or till the same shall be sold, according to the provisions of this act."

Mr. Mather moved to further amend said bill, by striking out the last section thereof, and substitute the following therefor:

"This act shall take effect in two years from its passage, and no sooner."

Pending which, Mr. Stockton moved to adjourn; which motion did not prevail.

The question then recurring upon Mr. Mather's amendment, it was negatived, by the following vote:

YEAS.

Mr. Biddle,
Mr. Brown,
Mr. Bush,

Mr. Geddes,
Mr. Harding,
Mr. Mather,

Mr. Pierce,
Mr. Richardson,
Mr. M. Spencer,

**Mr. Cook,
Mr. Dolsen,**

**Mr. J. Miller,
Mr. Morton,**

**Mr. Walker,
Mr. Speaker,**

15

NAYS.

**Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Gillett,
Mr. Hammond,
Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,**

**Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Renwick,
Mr. Rogers,**

**Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,**

31

Mr. Curtis moved to adjourn; which motion did not prevail.

On motion of Mr. Strong, the following was adopted, to stand as

“Sec. 4. The compensation to said appraisers, shall be at the rate of one dollar per day, with the same mileage as that allowed to the officer who sells the property.”

Mr. Coates moved to amend the last section, by adding thereto the words,

“And remain in force for three years, and no longer;” which amendment did not prevail.

The question then being upon ordering said bill engrossed for a third reading; pending which,

On motion of Mr. Harding, the House adjourned.

Wednesday, March 10, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, the members, except those absent on leave, were all present.

Mr. Wilcox moved to take up the resolution offered by him, and laid on the table on the eighth instant, authorizing the auditor general to lease certain lands; which motion did not prevail.

Mr. Harding gave notice that he should at an early day, ask

leave to introduce a bill authorizing the governor to appoint commissioners to take the acknowledgment of deeds in other states, of lands lying in this state.

Mr. Bingham gave notice that he should ask leave to introduce a bill to repeal the charter of the Michigan state bank.

The House then resumed the consideration of the unfinished business of yesterday, it being the question pending when the House adjourned, to wit: upon ordering to a third reading the Senate "bill relative to the sale of real and personal estate on execution."

Mr. Harding then moved to further amend said bill by adding the following to the first section, to wit: "but nothing in this act contained, shall apply to any execution, attachment or other process founded on any contract or obligation which shall have been entered into prior to the period when this act shall take effect;" which amendment was rejected, by the following vote:

YEAS.

Mr. Brown,
Mr. Bush,
Mr. Cook,
Mr. Curtis,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,

Mr. Gillett,
Mr. Harding,
Mr. Mather,
Mr. Morton,
Mr. Pierce,
Mr. Renwick,
Mr. Richardson,

Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Walker,
Mr. Speaker,

20

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Copeland,
Mr. Hammond,
Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,

Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,

Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Willits,
Mr. Wood,

28

Mr. Bush moved to amend the first section, by inserting after the word "until," in the fourth line, the following, to wit: "or upon any warrant for the collection of any tax;" which amendment did not prevail.

On motion of Mr. Hammond, the third section of said bill was then amended as follows, to wit:

In the sixteenth line, after "execution," insert "decretal order."

In same line, after "process," insert "on sum due on the mortgage so returned, with costs of appraisement and sale, in each case."

In tenth line, after "cess," insert "or person authorized to sell under advertisement as aforesaid."

Strike out all of the section after "attorney," in the same line, and insert the following:

"At public vendue to the highest bidder, after giving the required notice: *Provided*, such bid shall be at least two-thirds of the amount at which the same shall have been appraised, but not otherwise; and it shall be the duty of the person making any such sale, within ten days thereafter, to file in the office from which the process issued, a statement of the appraisal of such estate, real or personal, signed by the appraisers agreeing thereto, and the person making such sale; and in case of sale under a mortgage, the same shall be filed in the office of the register of deeds for the county in which the mortgaged premises are; and the person making sale, shall forthwith execute a deed of any real estate sold, to the purchaser or purchasers, which, when duly acknowledged, shall be entitled to be recorded, and shall be *prima facie* evidence of the correctness of the proceedings in such sale, and until the contrary be proved, shall vest in the purchaser, as good and as perfect an estate to the described premises, as was vested in the defendant in process, or grantor in the mortgage."

Mr. Curtis offered the following as an additional section, to wit:

"Sec. That the defendant in the execution shall give security, to be approved by the officer holding the same, that he will, within six months, pay the debt, damages and cost, with ten per cent interest thereon; and if the said debt, damages, cost and interest, shall not be paid within the said six months, then the same execution may be levied on the property of either the defendant in the execution, or the security thereon,

and the same may be sold at public sale, to the highest bidder, notice having been given as in other cases. This section to apply only in cases of execution upon personal property."

Which amendment was not adopted.

Mr. M. Spencer then offered the following as an additional section, to stand as

"Sec. 6. The provisions of this bill shall apply to all persons who shall be owing money to the university or school fund, or indebted to the state in any other way, and likewise to all debts due from the state."

Which amendment was rejected.

Mr. Brown then offered the following as an additional section, to wit:

"The purchasers of university and school lands shall be permitted to obtain an appraisal of any real or personal property, and offer the same for sale according to the provisions of this act; and if the same shall not sell for two-thirds the appraised value, such property shall be taken by the state in payment, to the amount of the instalment due by such person, at two-thirds the appraised value."

Which amendment was rejected by the following vote:

YEAS.

Mr. Brown,
Mr. Bush,
Mr. Dolsen,

Mr. Harding,
Mr. Mather,
Mr. Morton,

Mr. M. Spencer,
Mr. Strong,
Mr. Walker,

NAYS.

Mr. Biddle,
Mr. Bingham,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Hawley,

Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,

Mr. Renwick,
Mr. Richardson,
Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Sprague,
Mr. Stockton,
Mr. Tinney,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

On motion of Mr. Daniels,

The following was adopted to stand as section six, of said bill, to wit:

"Sec. 6. The preceding act shall not extend to proceedings as for contempt to enforce civil remedies, nor to action for fines and penalties, or on promises to marry, or for moneys collected by any public officer, or for any misconduct or neglect in office, or in any professional employment, or judgment for trespass."

Mr. Richardson moved to amend the sixth section of said bill, by striking out the word "trespass," and inserting the word "tort," in lieu thereof; which motion did not prevail.

Mr. Harding then offered the following as an additional section, to wit:

"Sec. . Nothing in this act contained, shall apply to any sale of lands, tenements, or real or personal estate, under or by virtue of any execution, attachment, decretal order, or other process, from any court of law or equity, or by advertisement, founded upon or arising from any contract or obligation, which shall, by the terms thereof, be specially exempted from the operation of this act."

Which amendment did not prevail.

Mr. Harding then offered the following, to wit:

"Sec. . Nothing in this act contained, shall apply to any sale of lands, tenements, or real or personal estate, under or by virtue of any execution, attachment, decretal order, or other process, from any court of law or equity, or by advertisement, in which the state of Michigan, or any officer, agent, or person, for the use or benefit of the said state, shall be the party plaintiff."

Which amendment was also rejected.

Mr. Morton then moved to amend the sixth section, by adding thereto the following proviso, to wit:

"*Provided*, That no provisions of this act shall apply to any demand, or the collection thereof, for any money deposited in any bank of this state."

Which amendment did not prevail.

The question then recurring upon ordering said bill to a third reading, pending which,

On motion of Mr. Metcalf, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the same members were present as in the morning.

The House resumed the consideration of the unfinished business of the morning, it being the question upon ordering the Senate "bill relative to the sale of real and personal estate on execution," to be engrossed for a third reading.

After some discussion, the bill was ordered to be engrossed for a third reading, by the following vote:

YEAS.

Mr. Barlow,	Mr. Larue,	Mr. Rogers,
Mr. Castle,	Mr. Lee,	Mr. Russell,
Mr. Clark,	Mr. Leech,	Mr. Smith,
Mr. Coates,	Mr. Metcalf,	Mr. Stockton,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Curtis,	Mr. Olin,	Mr. Tyler,
Mr. Hammond,	Mr. Philbrick,	Mr. Wilcox,
Mr. Hawley,	Mr. Porter,	Mr. Willits,
Mr. Humphrey,	Mr. Redfield,	Mr. Wood,
Mr. Lamb,		

28

NAYS.

Mr. Biddle,	Mr. Gillett,	Mr. Root,
Mr. Bingham,	Mr. Harding,	Mr. M. Spencer,
Mr. Brown,	Mr. Mather,	Mr. G. Spencer,
Mr. Bush,	Mr. J. Miller,	Mr. Sprague,
Mr. Cook,	Mr. Morton,	Mr. Strong,
Mr. Daniels,	Mr. Pierce,	Mr. Walker,
Mr. Dolsen,	Mr. Renwick,	Mr. Speaker,
Mr. Geddes,	Mr. Richardson,	

23

On motion of Mr. Barlow, the House adjourned.

Thursday, March 11, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. J. Miller and Wood, were absent without leave.

The Speaker asked and obtained leave of absence for Mr. Miller.

Mr. Richardson also, for Mr. Wood, on account of indisposition.

PETITIONS.

By Mr. Bingham. Of Addison Robinson and others, for leave to sell certain real estate.

By Mr. Wilcox. Of James Alexander, collector of Franklin, Lenawee county, for relief. Both of which petitions were referred to the committee on the judiciary.

By Mr. Humphrey. Of citizens of the village of Brest, that that village may be set off from the township of Ash, in Monroe county, and annexed to that of Frenchtown.

By Mr. Smith. A remonstrance of citizens of the township of Ash, against any division of said township. Both of which petitions were referred to the committee on towns and counties.

By Mr. Copeland. A petition from inhabitants of Jackson, of both political parties, for the granting of a further suspension of specie payments to the banks. Referred to the committee on banks and incorporations.

By the same. Of sundry militia officers of Jackson county, for an alteration in the time of holding military reviews, &c. Referred to the committee on the militia.

By Mr. Wilcox. Of inhabitants of Franklin, Lenawee county, for a reduction in the price of university and school lands. Referred to the select committee on that subject.

By Mr. Daniels. Of citizens of Adrian, Lenawee county, for an alteration of the location of the Southern railroad, near that village. Referred to the committee on internal improvement.

Mr. Hawley presented the claim of Gordon Case, for mate-

rials furnished for the building of the state prison. Referred to the committee on claims.

The petition of inhabitants of the township of Clyde, for a division of that township, which had been reported back to the House by the committee on towns and counties; was,

On motion of Mr. Porter recommitted to that committee.

REPORTS.

Mr. Porter, from the committee on the judiciary, reported "a bill regulating the holding of courts in Shiawassee county;" which was twice read, referred to the committee of the whole and placed on the general order.

Mr. Copeland from the committee on towns and counties, reported "a bill to organize the township of Wales in the county of St. Clair;" which was twice read, referred to the committee of the whole and placed on the general order.

On motion of Mr. Hammond,

The committee of the whole was discharged from further consideration of said bill; and,

On motion of Mr. Copeland,

The twenty-second rule was suspended, and said bill was read a third time and passed.

Mr. Harding, from the committee on the judiciary, to which was referred the Senate "bill relative to postponing sales by sheriff's and other officers;" reported the same back to the House with sundry amendments, and the said bill was then referred to the committee of the whole, and placed on the general order.

The same, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of altering or abolishing the act entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors;" reported that in the opinion of the committee, no legislation was necessary or expedient; and on his motion, the committee was discharged from its further consideration.

Mr. Brown, from the committee on the judiciary, to which was referred a resolution declaring the appointment of a select committee, by the House of Representatives of 1840, to investigate the affairs of the board of internal improvement, a

violation of the constitution, reported, that although the committee entertain different opinions in regard to the constitutionality or propriety of the measures referred to, yet it is inexpedient for this House to adopt the resolution; and the committee asked to be, and was discharged from its further consideration.

The same, from the same committee, to which was referred a resolution directing them to inquire whether any legislation is necessary, respecting the appointment of criers to the courts of the several counties in this state, and if so, to report to this House, by bill or otherwise, reported that legislation upon the subject was unnecessary.

And the committee, upon his motion, was discharged from its further consideration.

Mr. Barlow, from the committee on banks and incorporations, to which was referred the petition of A. E. Bull and others, respecting the improving the navigation of the Thornapple river, reported "a bill to incorporate the Thornapple slack water navigation company;" which was twice read, referred to the committee of the whole and placed on the general order.

Mr. G. Spencer, from the committee on the judiciary, to which was referred Senate bill number twenty-three, "a bill to amend chapter five, title four, part three of the revised statutes, 'relative to proceedings in replevin,'" reported the same back to the House, without amendment, and recommended its passage.

And the said bill was then referred to the committee of the whole and placed on the general order.

The same, from the same committee, to which was referred a petition of citizens of Port Huron, praying that Black river, in St. Clair county, may be made a public high way, reported the same back to the House, with the opinion that no legislation upon the subject was at this time expedient; and the committee asked to be, and was discharged from the further consideration of the subject.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, a certain "Preamble and joint resolution relative to the United States circuit court."

Also, a "Preamble and joint resolutions relative to certain citizens of the United States and the state of Michigan."

J. WRIGHT GORDON.

Executive office, March 10, 1841.

The Chair also announced the following from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Thursday, March 11, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House of Representatives, a "preamble and joint resolution relative to a survey of certain harbors."

Also, "a joint resolution proposing a certain amendment to the constitution of the state."

Both of which the Senate have passed, and respectfully ask the concurrence therein of the House.

I am further directed to return to the House, "a bill to change the name of the township of Pinckney, in the county of Calhoun."

Also, the House "bill to organize certain townships, and for other purposes."

Both of which bills, the Senate have passed with amendments, in which the concurrence of the House is respectfully requested.

Also, further, sir, I am directed by the Senate, to inform you respectfully, that the Senate have concurred in the House amendments, being a substitute, entitled "to organize certain townships, and for other purposes."

D. W. KELLOGG,
Secretary of the Senate.

The joint resolutions transmitted by the above message, were twice read and laid on the table, according to rule.

And the amendments made by the Senate to the House bills

returned by the above message, were then concurred in by the House, and the said bills were ordered to be enrolled.

RESOLUTIONS AND MOTIONS.

On motion of Mr. Walker,

Resolved, That the committee on ways and means be requested to inquire into the expediency of allowing interest to contractors on estimates issued for labor done on the works of internal improvement, if they shall remain unpaid for sixty days after their issue, in consequence of there being no money in the treasury to meet them.

Mr. Hawley offered the following preamble and resolution:

Whereas, by the report of the acting commissioner of internal improvement, it appears that certain estimates have been signed by Theophilus Metcalf, engineer on the Southern railroad; *and whereas*, it also appears by the report of the acting commissioner, made February 26, 1841, that the board does not recognize either Mr. Metcalf or any other person as engineer, or legally constituted agent, appointed by their authority, and that the business done on said road since the appropriation was expended, is to be settled in such manner as the legislature may prescribe; *and whereas*, it also appears by the report of R. M. Morrison, superintendent on said road, that several thousand dollars have been paid or is now due to engineers; therefore,

Resolved, That the committee on internal improvement be directed to inquire into the accounts of said superintendent, his manner of paying for work done, the amount of orders, (if any out,) by what authority said orders were given, the doings of the commissioner and superintendent on said road, the past year, and all other matters relative to the same; and that they have power to send for persons and papers.

Which resolution, on motion of Mr. Castle, was laid on the table for one day.

On motion of Mr. Rogers,

The further consideration of the Senate "bill relative to the sale of real and personal estate on execution," was postponed until Tuesday next.

On motion of Mr. Stockton,

. The committee of the whole was discharged from the further consideration of the "bill to provide for the further construction and preservation of the Clinton and Kalamazoo canal;" and the said bill was then taken up for consideration.

On motion of Mr. Metcalf,

Said bill was amended by striking out "sixty-five," in the second line, and inserting in lieu thereof, "fifty;" and by striking out, in the fifth line, the words "construction and preservation," and inserting the following in lieu thereof, to wit: "payment of claims for work done on contracts on."

Mr. Coates moved to further amend said bill by adding thereto, the following, to wit:

"And the further sum of fifty thousand dollars be appropriated for the construction of the canal, to be applied west of Pontiac."

Which amendment was rejected by the following vote:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. Philbrick,
Mr. Clark,	Mr. Lee,	Mr. Porter,
Mr. Coates,	Mr. Leech,	Mr. Richardson,
Mr. Curtis,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Humphrey,		

13

NAYS.

Mr. Biddle,	Mr. Hawley,	Mr. M. Spencer,
Mr. Bingham,	Mr. Larue,	Mr. G. Spencer,
Mr. Brown,	Mr. Mather,	Mr. Sprague,
Mr. Bush,	Mr. Metcalf,	Mr. Stockton,
Mr. Castle,	Mr. Morton,	Mr. Strong,
Mr. Cook,	Mr. Olin,	Mr. Tyler,
Mr. Daniels,	Mr. Pierce,	Mr. Walker,
Mr. Dolsen,	Mr. Redfield,	Mr. Wilcox,
Mr. Geddes,	Mr. Renwick,	Mr. Willits,
Mr. Gillett,	Mr. Root,	Mr. Speaker,
Mr. Harding,		

31

Mr. Bush offered to amend said bill, by adding thereto the following, to wit:

"And the further sum of ten thousand dollars, to be appropriated on the Detroit and Grand river road, to be expended under the direction of the board of internal improvement."

At this stage of proceedings on said bill,

Mr. Renwick raised the following question of order, to wit: "Whether the provisions of a rejected bill can be again considered in another form, during the same session?"

Which question, under the circumstances of this case, the Chair decided in the affirmative.

Mr. Renwick offered the following resolution, which was adopted:

Resolved, That the bill under consideration, viz: House bill number fifty-nine, be recommitted to the committee on internal improvement, with instructions to inquire of the board of commissioners of internal improvement, what are the present liabilities of the state for labor done and performed by virtue of any provisions of law in regard to contracts entered into by and between the state of Michigan, on the one hand, and contractors on the other; together with a statement of all or every contract vacated by the commissioners, the amount claimed to be due for damages on said canal.

On motion of Mr. Harding,

The House resolved itself into committee of the whole on the Senate "bill to amend the charter of the city of Detroit;" Mr. Walker in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment, and the said bill being still under consideration,

Mr. Hammond moved to amend the eighth section, by striking out the words, "heretofore constructed;" pending which motion,

On motion of Mr. Harding, said bill was laid on the table.

Mr. Richardson moved that when the House adjourns, it adjourn until to-morrow morning, at nine o'clock.

Which motion was decided in the affirmative.

On motion of Mr. Hammond, the House adjourned.

Friday, March 12, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Curtis, Dolsen, Richardson and Russell, were absent without leave.

Mr. Humphrey asked and obtained leave of absence for Mr. Russell, until Tuesday next.

PETITIONS.

By Mr. Pierce. Of citizens of Lima, Washtenaw county, for the passage of a law regulating the damages occasioned by the flowing of lands by mill ponds. Laid on the table, a report having been made relative thereto.

Mr. Humphrey presented the claim of James Murphy, for losses sustained by a contract on the Southern railroad. Referred to the committee on claims.

REPORTS.

Mr. Metcalf, from the committee on internal improvement, to which was referred a report of the board of internal improvement, in relation to the collectors of tolls at Detroit, together with instructions to inquire and report to this House, whether William S. Driggs, therein named, is or is not employed as a clerk in the office of the secretary of state, without the sanction of law; and further, (if such be the case,) whether the person employed and paid as receiver of tolls on the state railroad, can legally or properly be employed as a clerk as aforesaid; reported that the committee, after making the proper inquiries, ascertained that the said person is employed in the secretary of state's office as a clerk, under the direction of the board, without any additional compensation, in order to enable the secretary to attend the meetings of the board of internal improvement, and thus prevent any additional expense to the public, in consequence of his being so employed; and in the opinion of your committee, it is competent for the board so to direct the said receiver to keep his books and the safe for the reception of the public moneys, in the office of the secretary of state; and, on his motion, the committee was discharged from the further consideration of the subject.

The same, from the same committee, to which was referred certain joint resolutions relative to the improvement of the St. Joseph and Kalamazoo rivers, reported the same back to the House, with the opinion that any further legislation was unnecessary, as by the existing provisions of law, the board of internal improvement are required to expend the said balance in the improvement of the said rivers; and the committee asked to be and was discharged from its further consideration.

The same, from the same committee, to which was referred three several petitions of the citizens of Adrian, in relation to a relocation of the Southern railroad, reported the same back to the House, and asked to be discharged from its further consideration; no legislation being, in the opinion of the committee, necessary; and the committee was accordingly discharged.

Mr. Brown, from the committee on elections, to which was referred the Senate "bill to preserve the purity of elections, and to amend title two, part one of the revised statutes," reported the same back to the House, with an amendment, and recommended its passage; and the bill was referred to the committee of the whole, and placed on the general order.

The same, from the same committee, to which was referred a resolution instructing them "to inquire into the propriety of so amending the election law, as to make a residence of thirty days immediately preceding the election in the county where he offers to vote, a necessary qualification of a voter, in the general elections of this state, held on the first Monday of November, and the following day, of each and every year;" reported that the law, so amended, would, in the opinion of the committee, be unconstitutional; and if not unconstitutional, would be improper; and the committee asked to be, and was discharged from the further consideration of the resolution.

The same, from the same, to which was referred a resolution instructing them "to inquire into the expediency of further providing by some penal enactment for the greater security of the ballot box, and for the true expression of the people in the elective franchise;" reported that in their opinion, no

further provisions were requisite for the security of the ballot box, and that a bill now before the House, to preserve the purity of elections, contained sufficient provisions for the true expression of the elective franchise; and the committee asked to be, and was discharged from the further consideration of the subject.

Mr. Smith, from the select committee on the geological department, reported the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of commissioners of internal improvement be, and they are hereby directed to cause a survey to be made for the state geological department, (by engineers now in the service of the state, and on that road,) of the Southern railroad; noting the exact location of said road, the levels at each mile thereof, and the field notes and profiles of such survey to be transmitted to the state geologist, if possible, by the first day of April next.

On his motion, the rule requiring joint resolutions to be laid on the table for one day before considered, was suspended; and the resolution was then considered and adopted.

Mr. Castle, from the committee on roads and bridges, to which had been recommitted the "bill to provide for the laying out of certain state roads, and for other purposes" reported the same back to the House with sundry amendments; and the said bill was then referred to the committee of the whole, and placed on the general order.

Mr. Pierce, from the committee on printing, to which was referred the "bill to reduce the price of public printing, and for other purposes," as amended by the Senate, reported the same back to the House, recommended the adoption of the Senate amendments, together with an additional amendment reported by the committee, to the Senate amendments; and the bill was referred to the committee of the whole, and placed on the general order.

The Chair announced a communication from the board of internal improvement, transmitting a communication from the Maumee branch railroad company, asking the state of Michi-

gan to loan to said company, its bonds for the amount of twenty-five thousand dollars, to enable them to construct said road.

Mr. Smith moved to refer said communication and the accompanying document, to the committee on internal improvement.

Mr. Renwick moved to indefinitely postpone the further consideration of the subject.

Mr. Biddle moved that said documents be laid on the table.

Mr. Porter moved to amend the motion, by adding the words, "and printed."

A division of the question was ordered; the motion to lay on the table, prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Sprague,
Mr. Biddle,	Mr. Hawley,	Mr. Strong,
Mr. Bingham,	Mr. Lee,	Mr. Tinney,
Mr. Brown,	Mr. Renwick,	Mr. Tyler,
Mr. Bush,	Mr. Rogers,	Mr. Wilcox,
Mr. Clark,	Mr. M. Spencer,	Mr. Willits,
Mr. Cook,	Mr. G. Spencer,	Mr. Speaker,
Mr. Daniels,		

22**NAYS.**

Mr. Castle,	Mr. Larue,	Mr. Pierce,
Mr. Copeland,	Mr. Mather,	Mr. Porter,
Mr. Geddes,	Mr. Metcalf,	Mr. Redfield,
Mr. Hammond,	Mr. H. L. Miller,	Mr. Root,
Mr. Harding,	Mr. Morton,	Mr. Smith,
Mr. Humphrey,	Mr. Olin,	Mr. Stockton,
Mr. Lamb,	Mr. Philbrick,	Mr. Walker,

21

The question then being upon the motion to print,

On motion of Mr. G. Spencer, the motion was laid on the table.

On motion of Mr. Walker,

The Senate "bill in relation to the university and primary school fund," and the House "bill relative to the duties of the superintendent of public instruction and state treasurer, and for other purposes," were made the special order of the day, for to-morrow.

Mr. Hammond, by the unanimous consent of the House, introduced "a bill declaring land liable to be sold for taxes, for-

feit to the state;" which was twice read, and referred to the committee on ways and means.

Mr. Bush, pursuant to previous notice, asked and obtained leave to introduce "a bill to vacate the county site of the county of Livingston, and for other purposes;" which was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Mather, pursuant to previous notice, asked and obtained leave to introduce "a bill to prevent the killing of deer, in certain seasons of the year, and for other purposes;" which was twice read and referred to the committee on agriculture.

On motion of Mr. Hawley,

The House took up the preamble and resolution offered by him and laid on the table yesterday, relative to labor done on the Southern railroad; and the said resolution was then considered and adopted.

Mr. Cook laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That this legislature will adjourn on the 25th day of March, instant.

Mr. G. Spencer moved that upon reaching the "general order of the day," bills should be taken up by the House in their order, according to their number; which motion was decided in the affirmative.

Mr. Wilcox moved that the bills on the general order, prior to bill No. 80, be passed over, that said bill might then be considered; which motion did not prevail.

On motion of Mr. Hammond,

The committee of the whole was discharged from the "bill to provide for the reduction of costs in the prosecution of civil suits;" and the same being under consideration,

On motion of Mr. Hammond,

Its further consideration was then indefinitely postponed.

On motion of Mr. G. Spencer,

The committee of the whole was discharged from the further consideration of the "bill (substitute for number nine,) to

authorize the secretary of state to contract for the public printing, and for other purposes;" and the same being under consideration,

On motion of Mr. G. Spencer, it was laid on the table.

On motion of Mr. Bush,

The committee of the whole was discharged from the further consideration of the "bill amendatory to 'An act relative to highway taxes,' approved March 20, 1840;" and the same was taken up for consideration.

On motion of Mr. G. Spencer,

The said bill was laid on the table, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Pierce,	
Mr. Brown,	Mr. Larue,	Mr. Rogers,	
Mr. Biddle,	Mr. Mather,	Mr. Root,	
Mr. Cook,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Daniels,	Mr. Morton,	Mr. Strong,	
Mr. Gillett,	Mr. Olin,	Mr. Willits,	
Mr. Harding,	Mr. Philbrick,	Mr. Speaker,	
Mr. Hawley,			22

NAYS.

Mr. Bush,	Mr. Lee,	Mr. Sprague,	
Mr. Castle,	Mr. H. L. Miller,	Mr. Stockton,	
Mr. Clark,	Mr. Porter,	Mr. Tinnéy,	
Mr. Coates,	Mr. Redfield,	Mr. Tyler,	
Mr. Geddes,	Mr. Renwick,	Mr. Walker,	
Mr. Hammond,	Mr. Smith,	Mr. Wilcox,	
Mr. Lamb,	Mr. M. Spencer,		20

On motion of Mr. Castle,

The committee of the whole was discharged from the further consideration of the "bill to authorize the building of a certain dam therein named;" and the same was taken up for consideration. The said bill was then ordered to a third reading.

On motion of Mr. Walker,

The House resolved itself into committee of the whole on the House "bill to aid those who may have money collected in the hands of their agents, in obtaining the same;" also, on the Senate "bill to provide for the punishment of certain officers

who shall neglect or refuse to pay over moneys;" Mr. Larue in the chair.

After some time spent thereon, the committee rose, and reported back the House bill, and asked to be discharged from its further consideration, which request was granted; and,

On motion of Mr. Porter,

The further consideration of said bill was indefinitely postponed.

The same committee reported back the Senate bill with sundry amendments; which amendments were concurred in by the House, and the said bill being still under consideration,

Mr. Smith moved to further amend said bill in the first section, by striking out the words "reasonable time," and inserting in lieu thereof the words "thirty days."

Mr. Coates moved to amend the amendment, by inserting "three days."

A division of the question was ordered, and the question to strike out did not prevail.

Mr. Richardson moved to amend the first section by inserting after the word "officer," in the fifth line, the words "shall have heretofore collected or recovered or;" which motion was negatived.

Mr. Smith moved to further amend said bill by striking out all after the enacting clause; which motion did not prevail.

On motion of Mr. Porter,

The third section of said bill was amended by striking out the words, "such officer."

Mr. Smith moved to amend the ninth line of the first section, by striking out the words "within a reasonable time after demand thereof," and inserting in lieu thereof the words, "to suit the convenience of such officer;" which motion did not prevail.

Mr. Coates moved to amend said bill by striking out the enacting clause; which motion was decided in the negative.

The said bill was then ordered to a third reading.

On motion of Mr. Hammond,

The twenty-second rule requiring the second and third read-

ings of bills to be had on different days was suspended, that said bill might be then read a third time; and the said bill was then read a third time and passed, by the following vote:

YEAS.

Mr. Biddle,	Mr. Humphrey,	Mr. Rogers,
Mr. Brown,	Mr. Larue,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Clark,	Mr. Metcalf,	Mr. Sprague,
Mr. Coates,	Mr. H. L. Miller,	Mr. Strong,
Mr. Cook,	Mr. Morton,	Mr. Tinney,
Mr. Copeland,	Mr. Olin,	Mr. Tyler,
Mr. Geddes,	Mr. Pierce,	Mr. Walker,
Mr. Gillett,	Mr. Redfield,	Mr. Wilcox,
Mr. Hammond,	Mr. Renwick,	Mr. Willits,
Mr. Harding,	Mr. Richardson,	Mr. Speaker,
Mr. Hawley,		

34**NAYS.**

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Lamb,		

7

On motion of Mr. Hammond, the House then adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Bush, Curtis, Morton, Richardson, and Stockton, were absent without leave.

The House resumed the consideration of the bills on the general order.

The "bill to obviate the illegality of certain acts of the commissioners of highways of the township of Sena, in the county of Clinton, in this state," was then taken up; and,

On motion of Mr. Castle,

The committee of the whole was discharged from the further consideration of said bill; and,

On motion of Mr. Metcalf,

The further consideration of said bill was then indefinitely postponed.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the "bill to provide for the compensation

of township collectors," and the same was taken up for consideration; and,

On motion of Mr. Walker,

The further consideration of said bill was then indefinitely postponed.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the "bill amendatory to an act entitled 'An act relative to the conveyance of real estate,' approved April 1, 1840," and the same was taken up for consideration. The said bill was ordered to a third reading.

On motion of Mr. Porter,

The twenty-second rule was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

On motion of Mr. Metcalf,

The committee of the whole was discharged from the further consideration of the "bill amendatory to part one, title nine, chapter one of the revised statutes, 'relative to the inspection of provisions and other merchandize;'" and the same was then taken up for consideration. The said bill was then ordered to a third reading.

On motion of Mr. Renwick,

The twenty-second rule was suspended, that said bill might then be read a third time; and, the said bill was then read a third time and passed.

On motion of Mr. Hammond,

The House resolved itself into committee of the whole on the "bill to provide for the protection of Indians, and for other purposes;" Mr. Harding in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with amendments; which were concurred in by the House. The said bill was then ordered to a third reading.

On motion of Mr. Walker,

The twenty-second rule was suspended, that said bill might

then be read a third time; and the said bill was then read a third time and passed.

On motion of Mr. Walker,

The House resolved itself into committee of the whole on the "bill to regulate the business of brokers and exchange dealers;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House with sundry amendments; which amendments were concurred in by the House.

Mr. Coates moved to amend said bill by striking out all after the enacting clause; which motion was negatived, by the following vote:

YEAS.

Mr. Biddle,	Mr. Hammond,	Mr. Philbrick,	
Mr. Bingham,	Mr. Harding,	Mr. Redfield,	
Mr. Brown,	Mr. Mather,	Mr. M. Spencer,	
Mr. Clark,	Mr. Olin,	Mr. Tinney,	
Mr. Coates,			13

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. Root,	
Mr. Castle,	Mr. Lee,	Mr. Smith,	
Mr. Cook,	Mr. Leech,	Mr. Sprague,	
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,	
Mr. Daniels,	Mr. H. L. Miller,	Mr. Tyler,	
Mr. Dolsen,	Mr. Pierce,	Mr. Walker,	
Mr. Geddes,	Mr. Porter,	Mr. Wilcox,	
Mr. Gillett,	Mr. Renwick,	Mr. Willits,	
Mr. Hawley,	Mr. Rogers,	Mr. Speaker,	
Mr. Humphrey,			28

Mr. Coates then moved to adjourn; which motion did not prevail.

On motion of Mr. Barlow,

The first blank in said bill was filled with the sum of twenty-five dollars.

On motion of Mr. Pierce,

The second blank in said bill was filled with the sum of fifty dollars; the third blank with seventy-five dollars; he also moved to fill the fourth blank with one hundred dollars.

Mr. Metcalf moved to amend the motion by filling said blank with one hundred and fifty dollars; which motion prevailed.

Mr. Leech moved to further amend said bill by inserting the following after the word "granted," in the tenth line of the first section, to wit:

"And any person carrying on the said business without any capital, shall pay the sum of fifty dollars, as aforesaid;" which amendment was not adopted.

Mr. M. Spencer offered the following additional section, to stand as

"Sec. 6. And that no president, cashier, or director, or stockholder in any of the banks of this state, shall have any interest, directly or indirectly, in such firm."

Which amendment did not prevail. The said bill was then ordered to a third reading.

On motion of Mr. Barlow, the House adjourned.

Saturday, March 13, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Curtis, Geddes, Mather, Morton, Philbrick, Redfield and Stockton, were absent without leave.

PETITIONS.

Mr. Larue presented the petition of Daniel Webber, a settler on university lands, for relief.

The Speaker presented the remonstrance of sundry citizens of Adrian, Lenawee county, against altering the location of the Southern railroad, at that village.

Both of which petitions were laid on the table, reports having been made upon their respective subjects.

REPORTS.

Mr. Castle, from the committee on roads and bridges, which was directed by the House to inquire into the propriety of so amending the laws relative to the powers and duties of commissioners of highways, as to enable them to establish public highways upon section lines, where the same are ascertained

and plainly marked, without incurring the expense of a resurvey of the same, and that they report by bill or otherwise, reported that no such amendment to the laws was necessary; and, on his motion, the committee was discharged from the further consideration of the same.

The same, from the same committee, to which was referred a petition and remonstrance from inhabitants of Marengo, Calhoun county, reported adversely to the prayer of the petitioners; and, on his motion, the committee was discharged from its further consideration.

The same, from the same committee, to which was referred the Senate "bill to repeal the law authorizing the laying out of a state road therein named," reported the same back to the House, and adverse to the passage thereof, and asked to be discharged from its further consideration. The committee was accordingly discharged; and the bill referred to the committee of the whole and placed on the general order.

The same, from the same committee, to which was referred the "petition of inhabitants of Livingston county, relative to the disposition of money paid road commissioners, on non-resident lands, for road tax," reported adversely to the prayer of the petitioners; and, on his motion, the committee was discharged from its further consideration.

Mr. Smith, from the committee on militia, to which was referred the "petition of the Washtenaw guards, for payment of a certain claim;" reported the same back to the House, and favorable to its allowance, but recommended its reference to the committee on claims.

The committee on militia was accordingly discharged, and the petition referred as recommended by the committee.

Mr. Larue, from the committee on claims, to which was referred the claim of Hicks & Co., of New York, for railroad iron furnished the state, submitted a report thereon, accompanied by "a bill making appropriations for the payment of railroad iron purchased of Hicks & Co., of the city of New York, in 1838;" which bill was twice read, referred to the commit-

tee of the whole, and placed on the general order; and the report was laid on the table and ordered printed.

(*See Document, No. 66.*)

Mr. Richardson, from the committee on the judiciary, to which was referred the "petition of Addison Robinson and others, praying for the passage of a law authorizing them to make sale of certain real estate," reported the same back to the House, and asked to be discharged from the further consideration of the same, inasmuch as there was already a law upon the subject applicable to cases where it would be for the interest of the minors to make a sale; and the committee was accordingly discharged from its further consideration.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, "An act entitled 'An act to provide for the further construction of certain works of internal improvement.'"

Also, "A joint resolution requiring the secretary of state to transmit certain documents to the executive of the state of Alabama."

J. WRIGHT GORDON.

Executive Office, March 12, 1841.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Saturday, March 12, 1841. }

To the Speaker of the House of Representatives:

SIR—Agreeably to the instructions of the Senate, I herewith return to the House of Representatives, "a bill to organize the township of Spalding."

"A bill amendatory to 'An act to amend the revised statutes 'relative to primary schools,' 'approved April 1, 1840.'"

And also, "a bill to amend an act entitled 'An act to provide for the voluntary dissolution of corporations, and to prescribe the powers and duties of receivers in chancery in certain ca-

ses, and for other purposes;" all of which the Senate have passed, with amendments to each, respectively, and request the concurrence of the House in the same.

Also, by direction of the Senate, I return with the concurrence of the Senate, the House "bill to change the name of certain towns, and for other purposes."

D. W. KELLOGG,

Secretary of the Senate.

The House refused to concur in the amendments made by the Senate to the "bill amendatory to 'An act to amend the revised statutes 'relative to primary schools,' approved April 1, 1840;" and,

On motion of Mr. Walker,

A committee of conference on the part of the House was appointed on said bill, consisting of Messrs. Walker, H. L. Miller and Sprague.

The House concurred in the amendments made by the Senate to the "bill to organize the township of Spalding;" also, in the amendments to the "bill to amend an act entitled 'An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes;" and the said bills were accordingly ordered to be enrolled.

On motion of Mr. Harding,

The House took up from the table, the Senate "bill to amend the charter of the city of Detroit," and the same being under consideration and the question being upon the adoption of the amendment proposed by Mr. Hammond on the 11th instant, he then withdrew the same; and the said bill was then ordered to a third reading.

On motion of Mr. Metcalf,

The House took up from the table the "joint resolution authorizing the librarian to subscribe for twelve copies of the Western Farmer."

The said resolution being under consideration,

Mr. Coates moved to amend the same by adding thereto, the following, to wit: "and that he forward them by mail to the

member from St. Joseph and his friends;" which amendment was not adopted. The resolution was then adopted.

On motion of Mr. Biddle,

The committee of the whole was discharged from the further consideration of the "bill regulating the holding of courts in Shiawassee county," and the said bill was taken up for consideration; and,

On motion of Mr. Biddle,

The bill was then laid on the table.

On motion of Mr. Smith,

The joint resolution relative to a survey of certain harbors, was taken up, considered and adopted.

Mr. Harding, pursuant to previous notice, asked and obtained leave to introduce "a bill to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal in other states;" which bill was twice read, and referred to the committee on the judiciary.

Mr. Lamb offered the following resolution:

Resolved, That when this House adjourns, it adjourn until Monday morning next, at nine o'clock; which was not adopted.

Mr. Porter gave notice, that at some future day, he will ask leave to introduce a bill to incorporate the Port Huron steam mill company.

The "bill to authorize the building of a certain dam therein named," was then read a third time and passed.

The "bill to regulate the business of brokers and exchange dealers," was also read a third time and passed, by the following vote:

YEAS.

Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,
Mr. Humphrey,

Mr. Lamb,
Mr. Leech,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,

Mr. Root,
Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

NAYS.

Mr. Biddle,	Mr. Hammond,	Mr. M. Spencer,	
Mr. Bingham,	Mr. Larue,	Mr. Tinney,	
Mr. Brown,	Mr. Lee,	Mr. Tyler,	
Mr. Bush,	Mr. Olin,	Mr. Walker,	
Mr. Clark,	Mr. Richardson,	Mr. Wood,	
Mr. Coates,			16

The Senate "bill to amend the charter of the city of Detroit," was also read a third time and passed, as follows:

YEAS.

Mr. Biddle,	Mr. Harding,	Mr. Root,	
Mr. Brown,	Mr. Hawley,	Mr. Smith,	
Mr. Bush,	Mr. Lamb,	Mr. M. Spencer,	
Mr. Castle,	Mr. Larue,	Mr. Sprague,	
Mr. Clark,	Mr. Lee,	Mr. Strong,	
Mr. Coates,	Mr. Metcalf,	Mr. Tinney,	
Mr. Cook,	Mr. H. L. Miller,	Mr. Tyler,	
Mr. Copeland,	Mr. Olin,	Mr. Walker,	
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Renwick,	Mr. Willits,	
Mr. Gillett,	Mr. Richardson,	Mr. Wood,	
Mr. Hammond,	Mr. Rogers,	Mr. Speaker,	36

NAYS.

Mr. Bingham,	Mr. Humphrey,	Mr. Leech,	3
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On motion of Mr. Biddle,

And by general consent, the House took up from the table, the "bill regulating the holding of courts in Shiawassee county;" and the said bill was then ordered to a third reading.

On motion of Mr. Hammond,

The twenty-second rule, requiring the second and third reading of bills to be had on different days, was suspended, that said bill might then be read a third time; and, the said bill was then read a third time, and passed.

Mr. Walker moved to adjourn until two o'clock, P. M.; which motion did not prevail.

Mr. Bingham moved to adjourn until half past two o'clock, P. M.; which motion was negatived.

Mr. Coates, from the committee on enrolment, reported as correctly enrolled, "An act to amend an act entitled 'An act to incorporate the village of Ypsilanti,' and the act or acts amendatory thereof."

The Chair announced as the special order of the day, the House "bill relative to the duties of superintendent of public instruction, and state treasurer, and for other purposes;" and the Senate "bill in relation to the university and primary school fund."

And the House then resolved itself into committee of the whole, on said bills; Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Coates, the House adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Curtis, Geddes, Morton, Philbrick, Redfield, Stockton and Wood, were absent without leave.

The House resumed the consideration of the special order, it being the Senate "bill in relation to the university and primary school fund," and the House "bill relative to the duties of the superintendent of public instruction, and state treasurer, and for other purposes;" and,

The House again resolved itself into committee of the whole, on said bills; Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported back the Senate bill, and requested to be discharged from its further consideration; which request was granted.

The same committee also reported back the House bill, with sundry amendments; which amendments were concurred in by the House.

The said bill being still under consideration,

On motion of Mr. Hammond,

It was further amended by striking out the twelfth section.

On motion of Mr. G. Spencer,

The vote on Mr. Hammond's motion to strike out the twelfth section, was reconsidered; and the question recurring upon the motion to strike out, it did not prevail.

Mr. Coates moved the following as an additional section to

said bill, to wit: "the treasurer shall give bonds to be approved by the governor, for the faithful performance of his duty;" which amendment was not adopted.

Mr. Smith moved to further amend said bill by striking out in the fourth line of the 14th section, all after the word "state," and insert the following in lieu thereof, to wit: "and so much of any law as gives such right, is hereby repealed;" which motion did not prevail.

The said bill was then ordered to a third reading, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Sprague,	
Mr. Castle,	Mr. Harding,	Mr. Strong,	
Mr. Clark,	Mr. Metcalf,	Mr. Tyler,	
Mr. Cook,	Mr. H. L. Miller,	Mr. Walker,	
Mr. Copeland,	Mr. Richardson,	Mr. Wilcox,	
Mr. Daniels,	Mr. Root,	Mr. Willits,	
Mr. Dolsen,	Mr. Smith,	Mr. Speaker,	
Mr. Gillett,			22

NAYS.

Mr. Bingham,	Mr. Larue,	Mr. Pierce,	
Mr. Bush,	Mr. Lee,	Mr. Rogers,	
Mr. Coates,	Mr. Leech,	Mr. M. Spencer,	
Mr. Humphrey,	Mr. Olin,	Mr. Tinney,	
Mr. Lamb,			13

On motion of Mr. H. L. Miller, the House adjourned.

Monday, March 15, 1841.

The House met pursuant to adjournment.

The roll being called, Messrs. Geddes, Morton, Redfield, Renwick and Stockton, were absent without leave.

PETITIONS.

By Mr. Humphrey. Of H. Southwick and H. V. Studiford, relative to certain claims therein mentioned. Referred to the committee on claims.

By Mr. Lamb. Of the citizens of Lapeer county, relative to the sale of ardent spirits. Referred to a select committee, consisting of Messrs. Lamb, G. Spencer, Gillett, Richardson and M. Spencer.

By Mr. Lamb. Of certain inhabitants of Lapeer, that power may be granted to William Henry Griswold, a minor heir, to convey certain real estate. Referred to the committee on the judiciary.

By Mr. Humphrey. The petition of William Fowler, relative to certain contracts on the Southern railroad. Referred to the committee on internal improvement.

By Mr. Pierce. Of seventy-one citizens of the county of Washtenaw, praying that the legislature adopt measures to protect the currency of this state, by loaning state bonds to the Bank of Michigan. Laid on the table, a report having been made upon that subject.

REMONSTRANCES.

By Mr. Smith. Of citizens of Monroe county, against the division of the township of Ash. Referred to the committee on towns and counties.

By Mr. G. Spencer. Of one hundred and seventy-three inhabitants of Ann Arbor, against the passage of the bill relative to bank receivers. Referred to the committee on the judiciary.

By Mr. Speaker. Of citizens of Adrian, against any alteration of the Southern railroad, in the village of Adrian. Laid on the table.

REPORTS.

Mr. Brown, from the select committee on the university and school lands, to which was referred sundry petitions on that subject, together with the Senate "bill to reduce the minimum price of the university and school lands, and for the relief of certain purchasers thereof," and the House "bill to reduce the price of university and school lands," reported a substitute for said bills, entitled "a bill to reduce the price of university and school lands, and for other purposes;" which substitute was twice read, and that, together with said bills, were referred to the committee of the whole and placed on the general order.

Mr. Hammond, from the majority of the committee on the judiciary, to which was referred a resolution in regard to taxing the bank of St. Clair, submitted a report thereon; which, having been read, was ordered to be laid on the table.

On motion of Mr. Barlow,

The memorial of the citizens of Allegan, in relation to apportionment of representatives, laid on the table and ordered printed, on the 8th instant, was taken up and referred to the committee on apportionment.

On motion of Mr. Wilcox,

The House took up from the table, the joint resolution authorizing the auditor general to lease certain state lands; and,

On motion of Mr. Hammond, it was then referred to the committee on the judiciary.

Mr. Bingham moved that the House take up the joint resolution offered by him and laid on the table on the 4th of March, relative to adjournment; which motion prevailed, by the following vote:

YEAS.

Mr. Bingham,	Mr. Hawley,	Mr. Smith,	
Mr. Bush,	Mr. Lamb,	Mr. M. Spencer,	
Mr. Clark,	Mr. Lecch,	Mr. Tinney,	
Mr. Coates,	Mr. Olin,	Mr. Walker,	
Mr. Cook,	Mr. Richardson,	Mr. Willits,	
Mr. Curtis,	Mr. Root,	Mr. Speaker,	18

NAYS.

Mr. Barlow,	Mr. Humphrey,	Mr. Sprague,	
Mr. Brown,	Mr. Mather,	Mr. Strong,	
Mr. Castle,	Mr. Metcalf,	Mr. Tyler,	
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Rogers,	Mr. Wood,	
Mr. Hammond,	Mr. G. Spencer,		17

And on his motion, the word "eighth," was stricken out.

Mr. Bingham then moved to fill the blank with "twenty-second."

Mr. Cook moved to insert "twenty-fifth."

Mr. Walker moved to insert "twenty-ninth."

On motion of Mr. Cook, the whole subject was then laid on the table, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. G. Spencer,
Mr. Brown,	Mr. Humphrey,	Mr. Sprague,
Mr. Castle,	Mr. Lee,	Mr. Strong,
Mr. Cook,	Mr. Mather,	Mr. Tyler,

Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Gillett,

Mr. H. L. Miller,
Mr. Olin,
Mr. Pierce,
Mr. Rogers,

Mr. Wilcox,
Mr. Willits,
Mr. Wood,

23

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,

Mr. Hawley,
Mr. Lamb,
Mr. Leech,
Mr. Richardson,
Mr. Root,

Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Speaker,

15

Mr. Smith moved to reconsider the vote of Saturday, on the passage of "the bill to amend the charter of the city of Detroit; and, upon his motion, the motion to reconsider was then laid on the table.

Mr. Hammond, by general consent, introduced "a bill to prevent suits upon judgments in certain cases;" which bill was twice read and referred to the committee on the judiciary.

RESOLUTIONS.

Mr. Castle laid on the table the following preamble and joint resolution:

Whereas, there now remains some sixty thousand dollars, heretofore appropriated on the Northern railroad, unexpended; *and whereas*, a large amount has been expended in chopping, grubbing and clearing said road, which, if left in its present condition, can be of no interest to the people in the north; *and whereas*, it is thought impolitic, under the present embarrassments of the state, to make, at present, further expenditures on said road, for the purpose of a railroad; *and whereas*, it is the united wish and request of the people in the vicinity of said road, that the same should, for the present, be converted into a turnpike or wagon road, and thus open an important thoroughfare through the centre of the tier of counties through which the said road passes, and thereby render the money heretofore expended on said road, available to the best interests, (under the existing circumstances,) to the people in the northern section of the state; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, (should the Senate concur therein,) That the commissioners of internal improvement are hereby direc-

ted to expend thirty thousand dollars of the unexpended balance of the moneys heretofore appropriated on the northern railroad, in bridging, clearing and grading said road, or so much of said road as the said commissioners shall judge will be most beneficial to the inhabitants and public, in the section of country through which the same passes, so as to make the same a good passable wagon road.

Mr. Rogers laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby prohibited from disposing of any money belonging to this state, or of any drafts to be drawn against any instalments due or to fall due upon the state loan, to any bank or banks, or to any president, cashier or stockholder, or any agents for any bank, on any terms whatever, or to make any deposit of any money which may belong to this state, in any bank, unless such deposit is directed by some law, which may hereafter be enacted, and that he be, and is hereby instructed to draw against any such instalment for such sum as shall be authorized by law, or to meet any appropriations made, or hereafter to be made for any disbursements within this state, for the public service, and to give public notice thereof, in the state paper, so long as the same shall be expedient, offering the said drafts for sale to any person or persons, other than such as are hereinbefore specified, or to such person or persons as may hold the audited claim for which such appropriations are intended to provide in payment thereof, and in such sums as may be required by the party applying for the same, and at such rate of premium, exchange or discount, as the said drafts will command, or as the auditor general shall deem just and equitable; requiring payment therefor, in such funds as shall be current at the time, throughout the state, in the ordinary course of business; and he is further instructed, in order to meet any lawful demands against the treasury, to draw at any time in anticipation of any instalment of said loan, which shall not have been previously exhausted, and to dispose of the same in the manner hereinbefore directed.

Mr. Coates offered the following resolution:

Resolved, That no new business be taken up by this House, after the twenty-second instant.

On motion of Mr. Cook,

Its further consideration was indefinitely postponed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Sprague,	
Mr. Brown,	Mr. Mather,	Mr. Strong,	
Mr. Castle,	Mr. Metcalf,	Mr. Tyler,	
Mr. Cook,	Mr. J. Miller,	Mr. Walker,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Wilcox,	
Mr. Daniels,	Mr. Pierce,	Mr. Willits,	
Mr. Dolsen,	Mr. Rogers,	Mr. Wood,	
Mr. Gillett,	Mr. G. Spencer,		23

NAYS.

Mr. Biddle,	Mr. Hammond,	Mr. Root,	
Mr. Bingham,	Mr. Humphrey,	Mr. Smith,	
Mr. Bush,	Mr. Lamb,	Mr. M. Spencer,	
Mr. Clark,	Mr. Lee,	Mr. Tinney,	
Mr. Coates,	Mr. Leech,	Mr. Speaker,	
Mr. Curtis,	Mr. Richardson,		17

The "bill (substituted for Senate bill number thirty-four,) relative to the duties of public instruction, was then taken up and read a third time.

Mr. Leech then moved to postpone its consideration for one week; which motion did not prevail.

The bill was then passed by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Root,	
Mr. Biddle,	Mr. Hammond,	Mr. Sprague,	
Mr. Brown,	Mr. Harding,	Mr. Strong,	
Mr. Castle,	Mr. Mather,	Mr. Tyler,	
Mr. Clark,	Mr. Metcalf,	Mr. Walker,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Wilcox,	
Mr. Daniels,	Mr. Pierce,	Mr. Willits,	
Mr. Dolsen,	Mr. Richardson,	Mr. Speaker,	24

NAYS.

Mr. Bingham,	Mr. Lamb,	Mr. Smith,	
Mr. Bush,	Mr. Lee,	Mr. M. Spencer,	
Mr. Coates,	Mr. Leech,	Mr. G. Spencer,	
Mr. Curtis,	Mr. Olin,	Mr. Tinney,	
Mr. Humphrey,	Mr. Rogers,		14

On motion of Mr. Lamb,

The committee of the whole was discharged from the further consideration of the "bill to encourage the growth of fruit trees;" and the same was taken up for consideration.

On motion of Mr. Cook,

The further consideration of said bill was then indefinitely postponed.

On motion of Mr. Metcalf,

The committee of the whole was discharged from the further consideration of the "bill to authorize townships to remit certain fines therein named," and the bill was taken up for consideration.

Mr. Miller moved to amend the first section, by striking out of the fifth line, the words, "or shall be hereafter;" which amendment did not prevail.

Mr. Biddle moved to strike out in the sixth line, the words "of illegality in the," and to insert in lieu thereof the words, "of a failure to render within the period required by law the;" which motion was decided in the negative.

Mr. Metcalf then moved to recommit said bill to the committee on the judiciary, with instructions to so amend the same as to include all township officers; which motion did not prevail; and

The said bill was then ordered to a third reading.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the "bill to encourage the growth and manufacture of silk;" the same was taken up, and,

On motion of Mr. Coates, its further consideration was then indefinitely postponed.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the "bill for the relief of Humphrey Wheeler;" the same was taken up, and,

On motion of Mr. Hammond, its further consideration was postponed indefinitely.

On motion of Mr. Harding,

The committee of the whole was discharged from the further consideration of the "bill to alter the terms of the court of chancery in the fourth and fifth circuits," and the same was taken up for consideration.

On motion of Mr. Harding,

The following additional section was added to said bill, to wit:

"Sec. 2. This act shall take effect from and after its passage."

On motion of Mr. Walker, the said bill was then laid on the table.

On motion of Mr. Bingham,

The committee of the whole was discharged from the further consideration of the "bill authorizing the highway commissioners of the township of Cortland, in the county of Kent, to give certain bonds;" and the same was taken up, and

On motion of Mr. Bingham, its further consideration was then indefinitely postponed.

On motion of Mr. Walker,

The House resolved itself into committee of the whole on the "bill authorizing county commissioners to make assessment in certain cases;" Mr. Smith in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments; which were concurred in by the House.

The said bill was then ordered to a third reading.

On motion of Mr. Walker,

The twenty-second rule, requiring the second and third reading of bills to be had on different days, was suspended, that said bill might then be read a third time; and,

The said bill was then read a third time and passed.

On motion of Mr. Wood, the House then adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Bush, Geddes, Larue, J. Mil-

ler, Morton, Renwick, and G. Spencer, were absent without leave.

The House resumed the consideration of the bills on the general order; and,

On motion of Mr. Hammond,

The House resolved itself into committee of the whole on the "bill to amend an act entitled 'An act relative to highways,' approved March 20, 1840, and for other purposes;" Mr. Smith in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Metcalf,

The House resolved itself into committee of the whole on the "bill amendatory to 'An act to prevent the circulation of bills or tickets of a less denomination than one dollar,' approved March 22, A. D. 1838;" Mr. Brown in the chair.

After some time spent thereon, the committee rose and reported the same back with an amendment, to wit: striking out of said bill all after the enacting clause; which amendment was concurred in by the House.

Mr. Leech then moved to add the following, after the enacting clause:

"That the governor of this state be directed to remove from office all prosecuting attorneys who shall, after the first day of June next, neglect to enforce the 'Act to prevent the circulation of bills or tickets of a less denomination than one dollar, approved March 22, 1838.'"

"That the secretary of state be instructed to forward copies of these resolutions to each prosecuting attorney of this state, immediately after their passage."

"That upon the receipt of copies of these resolutions, each prosecuting attorney be requested to give notice in some paper in his county, or nearest to said county, if no paper be printed in the county, that prosecutions will be commenced against all persons or corporations offending against said act, from and after the said first day of June next."

Pending the consideration of which amendment,

On motion of Mr. Pierce,

The further consideration of the whole subject was indefinitely postponed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Rogers,
Mr. Biddle,	Mr. Harding,	Mr. Root,
Mr. Brown,	Mr. Hawley,	Mr. Sprague,
Mr. Castle,	Mr. Mather,	Mr. Strong,
Mr. Coates,	Mr. Metcalf,	Mr. Tyler,
Mr. Cook,	Mr. H. L. Miller,	Mr. Wilcox,
Mr. Copeland,	Mr. Pierce,	Mr. Willits,
Mr. Daniels,	Mr. Porter,	Mr. Speaker,
Mr. Dolson,		

25

NAYS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Redfield,	Mr. Walker,
Mr. Humphrey,	Mr. Richardson,	Mr. Wood,
Mr. Lamb,		

19

On motion of Mr. Hammond,

The general order was laid on the table.

Mr. Hammond then moved that the fortieth rule, prescribing the order of business, be suspended, that House bill No. 56, might be taken up and recommitted to a select committee.

Which motion was decided in the negative, two-thirds not voting in the affirmative, the following being the vote thereon:

YEAS.

Mr. Bush,	Mr. Lee,	Mr. Smith,
Mr. Castle,	Mr. Metcalf,	Mr. Stockton,
Mr. Clark,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Curtis,	Mr. Olin,	Mr. Tyler,
Mr. Hammond,	Mr. Philbrick,	Mr. Wilcox,
Mr. Hawley,	Mr. Porter,	Mr. Willits,
Mr. Humphrey,	Mr. Redfield,	Mr. Wood,
Mr. Lamb,	Mr. Rogers,	

23

NAYS.

Mr. Barlow,	Mr. Gillett,	Mr. Richardson,
Mr. Biddle,	Mr. Harding,	Mr. Root,
Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Brown,	Mr. Mather,	Mr. Strong,

**Mr. Cook,
Mr. Daniels,
Mr. Dolsen,**

**Mr. J. Miller,
Mr. Pierce,**

**Mr. Walker,
Mr. Speaker,**

19

The House then again resumed the consideration of bills upon the general order.

On motion of Mr. Strong,

The committee of the whole was discharged from the further consideration of the "bill to abolish the office of supervisor, and for other purposes," and the same was taken up for consideration; and,

On motion of Mr. Walker.

The said bill was then laid on the table.

Mr. Hawley moved to adjourn; which motion was decided in the negative.

On motion of Mr. Daniels,

The committee of the whole was discharged from the further consideration of the "bill amendatory to an act entitled 'An act for the preservation of railroads belonging to the state,' approved December 30, 1837;" and the same was taken up.

Mr. Daniels then moved to strike out all after the word "to," in the fourth line of the first section, and insert the following, viz:

"And in full force for the punishment of offences against, and for the preservation of railroads belonging to railroad companies that have been or may be incorporated under the authority of the state of Michigan, to all intents and purposes, the same as though said railroad company were particularly named in said act." Pending which motion,

On motion of Mr. Walker, the bill was laid on the table.

Mr. Stockton moved to adjourn; which motion did not prevail.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the "bill further to amend chapter first, title tenth, part first of the revised statutes, entitled 'of religious societies;'" and the same was taken up, and ordered to a third reading.

On motion of Mr. Hammond,

The twenty-second rule, requiring the second and third reading of bills to be on different days, was suspended, that said bill might then be read a third time; and

The said bill was then read a third time and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Redfield,	
Mr. Biddle,	Mr. Humphrey,	Mr. Rogers,	
Mr. Bingham,	Mr. Lamb,	Mr. Root,	
Mr. Brown,	Mr. Lee,	Mr. Smith,	
Mr. Castle,	Mr. Leech,	Mr. Sprague,	
Mr. Clark,	Mr. Mather,	Mr. Stockton,	
Mr. Cook,	Mr. Metcalf,	Mr. Strong,	
Mr. Copeland,	Mr. J. Miller,	Mr. Tinney,	
Mr. Daniels,	Mr. H. L. Miller,	Mr. Tyler,	
Mr. Dolsen,	Mr. Olin,	Mr. Walker,	
Mr. Gillett,	Mr. Philbrick,	Mr. Wilcox,	
Mr. Hammond,	Mr. Pierce,	Mr. Willits,	
Mr. Harding,	Mr. Porter,	Mr. Speaker,	39

NAYS.

Mr. Bush,	Mr. Curtis,	2
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On motion of Mr. Pierce,

The committee of the whole was discharged from the further consideration of the "bill to organize a school district in the city of Detroit;" and the same was taken up, and ordered to a third reading.

On motion of Mr. Porter,

The twenty-second rule was suspended, that said bill might be then read a third time; and the said bill was then read a third time and passed.

On motion of Mr. Wood, the House adjourned.

Tuesday, March 16, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, the members were all present.

PETITIONS.

By Mr. Hawley. Of inhabitants of Jackson county, for the passage of the (so called) appraisal bill.

By Mr. Russell. Of inhabitants of Monroe county.

By Mr. Richardson. Two several petitions of inhabitants of Oakland county.

By Mr. Geddes. Two several petitions of citizens of Washtenaw county.

By Mr. Rogers. Of citizens of the same county.

By Mr. Pierce. Of citizens of the same county.

By Mr. Sprague. Of citizens of Lenawee county.

By Mr. M. Spencer. Of three hundred and nineteen citizens of Calhoun county.

All of which petitions, asked the passage of the above mentioned bill.

Mr. Pierce likewise presented the remonstrance of forty-five citizens of Dexter, Washtenaw county.

Mr. Geddes, of one hundred and fifteen citizens of Ann Arbor, Washtenaw county.

Mr. Root, of citizens of Plymouth, Wayne county.

Mr. Sprague, of citizens of Lenawee county.

All of which remonstrances were against the passage of the appraisal bill.

Which petitions and remonstrances were severally laid on the table, a report having been made upon the subject thereof.

Mr. Biddle presented the petition of inhabitants of Brownstown and vicinity, Wayne county, for the abolition of the office of county commissioner, and the reestablishment of the supervisor system; which was laid on the table, a report having been made on that subject.

Mr. Clark presented the petition of citizens of Oakland county, for the repeal of all laws for the collection of debts contracted after the first day of May next.

Mr. Coates presented the petition of inhabitants of Dearborn, Wayne county, asking for the same privileges as may be extended to the banks.

Both of which petitions were referred to the committee on the judiciary.

Mr. Harding presented the claim of A. S. Bagg, for stationery furnished the state. Referred to the committee on claims.

REPORTS.

Mr. Hawley, from the committee on state prison, to which was reëmitted the "bill making further appropriations for building the state prison; submitted a report thereon, and the bill was referred to the committee of the whole, and placed on the general order; and the report laid on the table and ordered printed.

(*See Document, No. 67.*)

Mr. Porter, from the minority of the committee on the judiciary, to which was referred a resolution directing them to inquire into the expediency of repealing an act approved March 19, 1840, entitled "An act for the relief of the bank of St. Clair," exempting the capital stock of said bank from taxation, submitted a report thereon, accompanied by "a bill to repeal 'An act for the relief of the Bank of St. Clair,' approved March 19, 1840;" which bill was twice read, referred to the committee of the whole, and placed on the general order; and the report laid on the table and ordered printed.

(*See Document, No. 68.*)

Mr. Hammond, from the same committee, to which was referred the petition of James Alexander, collector of the township of Franklin, Lenawee county, for relief, submitted an adverse report thereon, which was laid on the table and ordered printed.

(*See Document, No. 69.*)

And the committee was discharged from the further consideration of the subject.

Mr. Lamb, from the committee on agriculture, to which was referred "a bill to prevent the killing of deer in certain sea-

sons of the year, and for other purposes," reported the same back to the House, adversely to its passage, and asked to be discharged from its further consideration; the committee was accordingly discharged, and the bill was referred to the committee of the whole and placed on the general order.

The Chair announced the following message from the executive:

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state, an act entitled "An act to authorize the building of certain dams therein named."

Also, an act entitled "An act to organize certain townships, and for other purposes."

J. WRIGHT GORDON.

Executive Office, March 15, 1841.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Monday, March 15, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House of Representatives, "a bill to extend the limits of the county seat of the county of Livingston, and for other purposes," which the Senate have passed, and respectfully ask the concurrence of the House therein.

Also, to return, with the concurrence of the Senate, House "bill to organize the township of Wales, in the county of St. Clair."

I am further directed to inform you, that the Senate have concurred in the House amendments to the "bill to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys."

Also, to inform you, respectfully, that the committee on conference, on the part of the Senate, in relation to the disagreement between the two houses, on the "bill amendatory to 'An act to amend the revised statutes, 'relative to primary schools,'"

approved April 1, 1840," consists of Senators Barry, Fuller and LeRoy.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message, was twice read and referred to the committee of the whole.

On motion of Mr. Wilcox,

The House took up from the table the Senate "preamble and joint resolution, relative to the domestic production of copper, &c.;" and the same was then considered and adopted.

On motion of Mr. Castle,

The House took up the joint resolution offered by him and laid on the table yesterday, relative to the Northern railroad; and the said resolution being under consideration,

Mr. Harding moved to amend the same, by adding thereto the following, to wit:

"And resolved, further, That the balance of the unexpended appropriations heretofore made on the Northern railroad, after deducting therefrom the said sum of \$30,000 be, and the same is hereby withdrawn; and said balance, when ascertained, shall be placed to the credit of the internal improvement fund."

Mr. Bush offered the following as a substitute for the amendment, to wit:

"And that the further sum of \$10,000 of said appropriation be expended on the Detroit and Grand river road, under the direction of the board of internal improvement."

Which substitute was rejected, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Russell,
Mr. Bingham,	Mr. Humphrey,	Mr. Sprague,
Mr. Bush,	Mr. Leech,	Mr. Tinney,
Mr. Clark,	Mr. H. L. Miller,	Mr. Walker,
Mr. Coates,	Mr. Philbrick,	Mr. Wilcox,
Mr. Curtis,	Mr. Redfield,	Mr. Wood,
Mr. Dolsen,	Mr. Renwick,	Mr. Speaker,
Mr. Gillett,	Mr. Richardson,	

NAYS.

Mr. Biddle,	Mr. Hawley,	Mr. Pierce,
Mr. Brown,	Mr. Lamb,	Mr. Rogers,

Mr. Castle,	Mr. Larue,	Mr. Root,	
Mr. Cook,	Mr. Mather,	Mr. M. Spencer,	
Mr. Copeland,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Drew,	Mr. J. Miller,	Mr. Strong,	
Mr. Geddes,	Mr. Morton,	Mr. Tyler,	
Mr. Harding,	Mr. Olin,	Mr. Willits,	24

Mr. Curtis again offered Mr. Bush's substitute for Mr. Harding's amendment, after striking out "\$10,000," and inserting in lieu thereof, "\$5,000;" which substitute was adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Richardson,	
Mr. Bingham,	Mr. Humphrey,	Mr. Rogers,	
Mr. Bush,	Mr. Lee,	Mr. Russell,	
Mr. Castle,	Mr. Leech,	Mr. Sprague,	
Mr. Clark,	Mr. H. L. Miller,	Mr. Tinney,	
Mr. Coates,	Mr. Philbrick,	Mr. Walker,	
Mr. Curtis,	Mr. Porter,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Redfield,	Mr. Wood,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	
Mr. Gillett,			28

NAYS.

Mr. Biddle,	Mr. Lamb,	Mr. Root,	
Mr. Brown,	Mr. Larue,	Mr. Smith,	
Mr. Cook,	Mr. Mather,	Mr. M. Spencer,	
Mr. Copeland,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Daniels,	Mr. J. Miller,	Mr. Strong,	
Mr. Drew,	Mr. Morton,	Mr. Tyler,	
Mr. Harding,	Mr. Olin,	Mr. Willits,	
Mr. Hawley,	Mr. Pierce,		23

The question then recurring upon the adoption of the resolution, as amended, the same prevailed, as follows:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Russell,	
Mr. Bingham,	Mr. Lamb,	Mr. Smith,	
Mr. Bush,	Mr. Lee,	Mr. Sprague,	
Mr. Castle,	Mr. Leech,	Mr. Stockton,	
Mr. Clark,	Mr. Mather,	Mr. Strong,	
Mr. Coates,	Mr. J. Miller,	Mr. Tinney,	
Mr. Curtis,	Mr. H. L. Miller,	Mr. Walker,	
Mr. Dolsen,	Mr. Philbrick,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Willits,	
Mr. Gillett,	Mr. Redfield,	Mr. Wood,	
Mr. Hammond,	Mr. Richardson,	Mr. Speaker,	
Mr. Harding,			34

NAYS.

Mr. Biddle,	Mr. Hawley,	Mr. Renwick,	
Mr. Brown,	Mr. Larue,	Mr. Rogers,	
Mr. Cook,	Mr. Metcalf,	Mr. Root,	
Mr. Copeland,	Mr. Morton,	Mr. M. Spencer,	
Mr. Daniels,	Mr. Olin,	Mr. G. Spencer,	
Mr. Drew,	Mr. Pierce,	Mr. Tyler,	18

On motion of Mr. Rogers,

The House took up the joint resolution offered by him and laid on the table yesterday, directing the auditor general relative to anticipating the instalments to fall due on the \$5,000,000 loan; and on his motion,

The said resolution was referred to the committee on ways and means.

The "bill to authorize townships to remit certain fines therein named," was taken up, read a third time and passed.

The Senate "bill relative to the sale of real and personal estate on execution," was taken up and read a third time; and the question being upon its passage.

Mr. Hammond moved that the bill under consideration be committed to a special committee of three, with instructions to report the accompanying bill as a substitute therefor, entitled "a bill relative to the sale of real and personal estate on execution."

Mr. Richardson moved to amend the motion, by striking out all that portion relative to instructions, and inserting the following in lieu thereof, to wit: "with instructions to strike out from the bill so much as relates to mortgages, and to make the bill as perfect as it may be made, by carrying out its details."

Mr. Metcalf offered the following as a substitute for Mr. Richardson's amendment, to wit: "with instructions to perfect the details of the bill, so as to give them full legal effect, without altering the principle."

Pending the consideration of which,

On motion of Mr. Coates, the House adjourned until half past two o'clock P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the members were all present.

The House resumed the consideration of the unfinished business of the morning, it being the question pending when the House adjourned, to wit: the adoption of Mr. Metcalf's substitute for Mr. Richardson's amendment to Mr. Hammond's motion to recommit to a select committee, with instructions, the Senate "bill relative to the sale of real and personal estate on execution."

Mr. Metcalf then withdrew his motion.

The question then recurring upon Mr. Richardson's amendment to the motion of Mr. Hammond,

Mr. Hammond then withdrew his motion to recommit; and the question then being upon the passage of the bill, it prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Larue,	Mr. Russell,
Mr. Castle,	Mr. Lee,	Mr. Smith,
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,
Mr. Coates,	Mr. Metcalf,	Mr. Stockton,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Geddes,	Mr. Olin,	Mr. Tyler,
Mr. Hammond,	Mr. Porter,	Mr. Wilcox,
Mr. Hawley,	Mr. Redfield,	Mr. Willits,
Mr. Humphrey,	Mr. Rogers,	Mr. Wood,
Mr. Lamb,		

23

NAYS.

Mr. Biddle,	Mr. Drew,	Mr. Renwick,
Mr. Bingham,	Mr. Gillett,	Mr. Richardson,
Mr. Brown,	Mr. Harding,	Mr. Root,
Mr. Bush,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. J. Miller,	Mr. Sprague,
Mr. Curtis,	Mr. Morton,	Mr. Strong,
Mr. Daniels,	Mr. Philbrick,	Mr. Walker,
Mr. Dolsen,	Mr. Pierce,	Mr. Speaker,

24

On motion of Mr. Hammond,

The title was amended by adding after the word "bill," the following, to wit; "being a substitute for bill number five."

On motion of Mr. Metcalf,

The House resolved itself into committee of the whole, on

the "bill to amend an act entitled 'An act to regulate and prescribe the amount of fees,' approved April 1, 1840;" Mr. Smith in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, and asked to be discharged from the further consideration of said bill; which request was granted.

On motion of Mr. Richardson,

The said bill was then recommitteed to the committee on the judiciary.

On motion of Mr. Bush,

The committee of the whole was discharged from the further consideration of the House "bill to extend the limits of the county seat of the county of Livingston, and for other purposes;" and the same was taken up for consideration.

On motion of Mr. Pierce,

The first section was amended by striking out "two acres," and inserting in lieu thereof "four acres."

On motion of Mr. Bush,

The first section was further amended by inserting after the word "erect," the words "in conformity to law."

The said bill was then ordered to a third reading.

On motion of Mr. Hammond,

The twenty-second rule, requiring the second and third reading of bills to be had on different days, was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

On motion of Mr. Pierce,

The committee of the whole was discharged from the further consideration of the "bill to provide for the taxing of costs in the circuit court;" and the same was taken up and ordered to a third reading.

On motion of Mr. Metcalf,

The twenty-second rule was suspended that said bill might then be read a third time; and the said bill was then read a third time and passed.

Mr. Stockton moved to adjourn; which motion did not prevail.

On motion of Mr. Harding,

The committee of the whole was discharged from the further consideration of the "bill to provide for the payment of a certain claim," and the same was taken up.

On motion of Mr. Harding,

The said bill was then laid on the table.

On motion of Mr. Hammond,

The House resolved itself into committee of the whole on the "bill defining the powers of the court of chancery in partitions;" Mr. Smith in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with an amendment, which was concurred in by the House; and said bill was then ordered to a third reading.

On motion of Mr. Hammond,

The twenty-second rule was suspended that said bill might then be read a third time; and the said bill was then read a third time and passed.

Mr. Gillett, from the committee on enrolment, reported as correctly enrolled, "An act to organize the townships of Spalding and Tyler."

"An act to organize certain townships;" and,

"An act to change the names of certain townships, and for other purposes."

On motion of Mr. Metcalf, the House adjourned.

Wednesday, March 17, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, Mr. Tyler was absent without leave.

Mr. Metcalf asked and obtained leave of absence for Mr. Tyler, on account of indisposition.

PETITIONS.

The Speaker presented the petition of sixty-five citizens of Shiawassee county, praying that a loan of state bonds may be made to the bank of Michigan, on certain conditions.

The Speaker presented the remonstrance of sundry persons, against the altering the location of the Southern railroad, at Adrian.

By Mr. Smith. Of inhabitants of Monroe and Lenawee counties, against said change.

By Mr. Russell. Of inhabitants of the same counties, against the same.

All of which were laid on the table, reports having been made on the subjects thereof.

Mr. Redfield presented the petition of W. H. Keeler, of Van Buren county, for the revival of an act passed March 27, 1838, "relative to a certain state road." Referred to the committee on roads and bridges.

Mr. Smith presented the statement of the township clerk of Ash, Monroe county, relative to the proposed division of said township. Referred to the committee on towns and counties.

Mr. Gillett presented the claim of John Chamberlin; which was referred to the committee on claims.

Mr. Harding that of Oliver Newberry, for an iron safe furnished the state prison in 1838. Referred to the same committee.

REPORTS.

Mr. Metcalf, from the committee on internal improvement, to which was referred the petition of Henry Fowler, in relation to certain estimates alledged by him to be unjustly detained by the board of internal improvement, reported adversely to the prayer of the petitioner; and on his motion, the committee was discharged from its further consideration.

The same, from the same committee, to which was recommended the "bill to provide for the preservation and further construction of the Clinton and Kalamazoo canal," with instructions to inquire of the board of commissioners of internal improvement, what are the present liabilities of the state for labor done and performed by virtue of any provisions of law in regard to contracts entered into by and between the state of Michigan on the one hand, and contractors on the other, to-

gether with a statement of all or every contract vacated by the commissioners, and the amount claimed to be due for damages on said canal," reported the same back to the House, with amendments; and the bill was then referred to the committee of the whole and placed on the general order; and,

On motion of Mr. Stockton,

Said bill was made the special order of the day for to-morrow.

Mr. Walker, from the committee on the judiciary, to which was referred a petition of Henry Rix, and others, of Lapeer, in reference to the prohibition of sheriffs from doing constable business;

Also, a petition of sundry citizens of Oakland county, for the repeal of all laws for the collection of debts contracted after the first of May next;

Also, a petition of ninety-eight citizens of Dearborn, for the same privileges as may be extended to banks;

A "bill to amend chapter seven, title two, part three of the revised statutes, entitled 'of judgments in courts of record, and executions thereon;'"

And a Senate "bill to repeal an act entitled 'An act to extend the powers of justices of the peace, and for other purposes,' approved April 6, 1838," reported back said petitions and bills to the House, and asked to be discharged from their further consideration, as they deemed no legislation necessary upon the several subjects, thereof; and the committee were accordingly discharged; and the said bills were referred to the committee of the whole and placed on the general order.

Mr. Renwick, from the committee on ways and means, to which was referred "a bill for the regulation of township officers, and for other purposes," reported the same back to the House, with a report thereon, recommending its passage; and the bill was then referred to the committee of the whole and placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which was referred the petition of inhabitants of the township of Allegan, Allegan county, and that of inhabitants of

Barry county, each for the organization of a new township, reported adversely to the object of said petitions, the committee having no knowledge of the legal notice having been given previous to petitioning; and on his motion, the committee was discharged from their further consideration.

Mr. Larue, from the committee on claims, to which was referred the claim of the River Raisin and Lake Erie railroad company, submitted a report thereon, with the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the attorney general be, and he is hereby required to view and examine, in connection with the acting commissioner of internal improvement, the railroad and other property purchased by the state from the River Raisin and Lake Erie railroad company, and to investigate the title acquired by the state from said company, and to report to the next legislature the result of such investigation and examination, together with his opinion of what further legislation, if any, is necessary to secure the interests of the state and the rights of said company.

Said resolution was laid on the table for one day, according to rule; and the report laid on the table and ordered printed.

(See Document, No. 70.)

And the committee was discharged from the further consideration of the subject.

Mr. J. Miller, from the committee on accounts, to which was referred the account of Thomas Hall, and that of Williams & Cole, reported the same back to the House and recommended their reference to the committee on claims. The committee were accordingly discharged and the reference so made.

Mr. Porter, from the committee on the judiciary, to which was referred the "bill to amend an act entitled 'An act to regulate and prescribe the amount of fees,' approved April 1, 1840," reported the same back to the House, with a substitute therefor; which was twice read, and the bill and substitute were both referred to the committee of the whole, and placed on the general order.

The same, from the same committee, reported a "bill to simplify proceedings at law in certain cases;" which bill was twice read, and referred to the committee of the whole, and placed on the general order.

On motion of Mr. Harding,

The House took up from the table the "bill to alter the terms of the court of chancery, in the fourth and fifth circuits.

Mr. Humphrey moved to amend said bill, by striking out, after the word "year," in the fourth line, and insert, "and the fifth circuit in each year, on the first Tuesday in January, at the county seat of the county of Lenawee, and on the third Tuesday in June, at the county seat of the county of Monroe, instead of the times and places now provided for holding the said court of chancery, in the said fourth and fifth circuits, respectively;" which amendment was not adopted.

The said bill was then ordered to a third reading.

On motion of Mr. Biddle,

The communication from the board of internal improvement, transmitting a communication from the Maumee branch railroad company, and laid on the table on the twelfth instant, was taken up, and referred to the committee on internal improvement.

On motion of Mr. Hammond,

The "bill to amend an act, entitled 'An act for the regulation of internal improvement,' approved March 25, 1840," was taken up and recommitteed to the committee of the whole.

On motion of Mr. Hammond,

The House took up from the table the "bill amendatory to an act, entitled 'An act for the preservation of railroads belonging to this state,' approved December 30, 1837;" and the same was then referred to the committee on the judiciary.

Mr. Richardson laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be, and they are hereby authorized to extend the Southern railroad to the village of Jonesville, if in their opinion it is for

the best interests of the state; and if so constructed, to be constructed out of the appropriations already made.

The "bill to alter the terms of the court of chancery in the fourth and fifth circuits;" was then taken up and read a third time and passed.

On motion of Mr. Walker,

The House resolved itself into committee of the whole on "the bill to abolish the office of county commissioners, and substitute therefor, a board of supervisors;" Mr. Porter in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with an amendment, to wit: "amended by striking out all after the enacting clause;" which amendment was concurred in, by the following vote:

YEAS.

Mr. Biddle,	Mr. Humphrey,	Mr. Rogers,	
Mr. Brown,	Mr. Lamb,	Mr. Root,	
Mr. Coates,	Mr. Mather,	Mr. Smith,	
Mr. Daniels,	Mr. J. Miller,	Mr. M. Spencer,	
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Sprague,	
Mr. Geddes,	Mr. Olin,	Mr. Stockton,	
Mr. Gillett,	Mr. Pierce,	Mr. Strong,	
Mr. Hammond,	Mr. Porter,	Mr. Willits,	
Mr. Harding,	Mr. Redfield,	Mr. Wood,	
Mr. Hawley,	Mr. Richardson,	Mr. Speaker,	30

NAYS.

Mr. Barlow,	Mr. Curtis,	Mr. Renwick,	
Mr. Bingham,	Mr. Drew,	Mr. Russell,	
Mr. Bush,	Mr. Larue,	Mr. G. Spencer,	
Mr. Castle,	Mr. Lee,	Mr. Tinney,	
Mr. Clark,	Mr. Leech,	Mr. Walker,	
Mr. Cook,	Mr. Metcalf,	Mr. Wilcox,	
Mr. Copeland,	Mr. Philbrick,		20

The House refused to excuse Mr. Brown from voting on the question of concurring, as follows:

YEAS.

Mr. Biddle,	Mr. Mather,	Mr. M. Spencer,
Mr. Brown,	Mr. H. L. Miller,	Mr. Sprague,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Drew,	Mr. Pierce,	Mr. Strong,
Mr. Gillett,	Mr. Porter,	Mr. Wilcox,
Mr. Hammond,	Mr. Redfield,	Mr. Willits,

Mr. Harding,	Mr. Rogers,	Mr. Wood,	
Mr. Larue,	Mr. Root,	Mr. Speaker,	24

NAYS.

Mr. Barlow,	Mr. Dolsen,	Mr. Philbrick,	
Mr. Bingham,	Mr. Geddes,	Mr. Renwick,	
Mr. Bush,	Mr. Hawley,	Mr. Richardson,	
Mr. Castle,	Mr. Humphrey,	Mr. Russell,	
Mr. Clark,	Mr. Lamb,	Mr. Smith,	
Mr. Cook,	Mr. Lee,	Mr. G. Spencer,	
Mr. Copeland,	Mr. Leech,	Mr. Tinney,	
Mr. Curtis,	Mr. Metcalf,	Mr. Walker,	
Mr. Daniels,	Mr. J. Miller,		26

Mr. Bush then moved to insert the following after the en-acting clause of said bill, to wit:

“ That the question whether the office of county commissioner be abolished, and the supervisors of the several townships be empowered to do and perform the duties of the board of county commissioners, be submitted to the qualified electors of this state, at the next general election, and if a majority of said electors shall decide in favor of the supervisor system, from and after the first day of January next, the office of county commissioner be, and the same is hereby abolished, and the duties of the board of county commissioners shall be performed by the supervisors of the several townships, in the different counties of this state.”

Mr. Cook then moved to indefinitely postpone the further consideration of the whole subject; pending the consideration of which motion,

On motion of Mr. Hammond, the House adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Mr. G. Spencer was absent without leave.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the “ bill in relation to the duties of county commissioners, in certain cases;” and the same was taken up for consideration; and the said bill was then ordered to a third reading.

On motion of Mr. Walker,

The twenty-second rule, requiring the second and third readings of bills to be had on different days, was suspended, that said bill might then be read a third time; and, the said bill was then read a third time, and passed.

The House then resumed the consideration of the unfinished business of this morning, it being the question pending when the House adjourned, to wit:

On the motion of Mr. Cook to indefinitely postpone the further consideration of the "bill to abolish the office of county commissioners and substitute therefor, a board of supervisors."

Which question was decided in the affirmative, by the following vote:

YEAS.

Mr. Biddle,	Mr. Hawley,	Mr. Richardson,
Mr. Brown,	Mr. Humphrey,	Mr. Rogers,
Mr. Coates,	Mr. Larue,	Mr. Root,
Mr. Daniels,	Mr. Mather,	Mr. M. Spencer,
Mr. Dolsen,	Mr. Metcalf,	Mr. Sprague,
Mr. Drew,	Mr. H. L. Miller,	Mr. Strong,
Mr. Geddes,	Mr. Olin,	Mr. Willits,
Mr. Gillett,	Mr. Pierce,	Mr. Speaker,
Mr. Harding,	Mr. Redfield,	

26

NAYS.

Mr. Barlow,	Mr. Hammond,	Mr. Russell,
Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. Stockton,
Mr. Castle,	Mr. J. Miller,	Mr. Tinney,
Mr. Clark,	Mr. Philbrick,	Mr. Walker,
Mr. Copeland,	Mr. Renwick,	Mr. Wilcox,

18

Mr. Hammond moved that the House resolve itself into committee of the whole, on the "bill to amend chapter one, title four, part one, of the revised statutes;" which motion did not prevail.

On motion of Mr. Strong,

The House took up from the table, the "bill to abolish the office of supervisor, and for other purposes;" after some discussion,

Mr. Cook moved to lay the bill again on the table; which motion was negatived.

On motion of Mr. Metcalf,

The further consideration of said bill was then indefinitely postponed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Copeland,	Mr. Metcalf,	
Mr. Biddle,	Mr. Curtis,	Mr. J. Miller,	
Mr. Bingham,	Mr. Dolsen,	Mr. H. L. Miller,	
Mr. Brown,	Mr. Drew,	Mr. Philbrick,	
Mr. Bush,	Mr. Gillett,	Mr. Renwick,	
Mr. Castle,	Mr. Hammond,	Mr. Root,	
Mr. Clark,	Mr. Lee,	Mr. Smith,	
Mr. Cook,	Mr. Leech,	Mr. Tinney,	24

NAYS.

Mr. Coates,	Mr. Morton,	Mr. Sprague,	
Mr. Daniels,	Mr. Olin,	Mr. Stockton,	
Mr. Geddes,	Mr. Pierce,	Mr. Strong,	
Mr. Harding,	Mr. Redfield,	Mr. Walker,	
Mr. Hawley,	Mr. Richardson,	Mr. Wilcox,	
Mr. Humphrey,	Mr. Rogers,	Mr. Willits,	
Mr. Larue,	Mr. Russell,	Mr. Speaker,	
Mr. Mather,	Mr. M. Spencer,		25

On motion of Mr. Wilcox,

The committee of the whole was discharged from the further consideration of the "bill to regulate the inspection of green and dry hides and skins, in the city of Detroit," and the same was taken up; and,

On motion of Mr. Metcalf, its further consideration was then indefinitely postponed.

On motion of Mr. Metcalf,

The committee of the whole was discharged from the further consideration of the "bill to authorize the issue of state bonds, and for other purposes;" and the same was taken up.

After some discussion, Mr. Strong moved to lay said bill again on the table; which motion was negatived.

On motion of Mr. Walker,

The further consideration of said bill was then indefinitely postponed, by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Redfield,
Mr. Bush,	Mr. Leech,	Mr. Richardson,
Mr. Clark,	Mr. Metcalf,	Mr. Russell,

Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Harding,
Mr. Humphrey,
Mr. Larue,

Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Speaker,

27

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,

Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Hawley,
Mr. Lamb,
Mr. Mather,
Mr. Porter,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,

22

On motion of Mr. Richardson,

The House resolved itself into committee of the whole, on the "bill to prohibit the presiding judges in the circuit courts from acting in certain cases;" Mr. Copeland in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with an amendment; which was concurred in by the House.

The said bill was then ordered to a third reading.

On motion of Mr. Richardson,

The twenty-second rule was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

On motion of Mr. Metcalf,

The House resolved itself into committee of the whole on the "bill for the purchase and completion of the Palmyra and Jacksonburg railroad, and for other purposes;" Mr. Porter in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment.

On motion of Mr. H. L. Miller,

The second section was amended by inserting the following at the beginning of the first line, to wit: "before any of the above appropriation shall be expended on said road," and by striking out the words, "on said road," in the second line.

On motion of Mr. Sprague,

The third section was amended by striking out all after the words "out of," in the fourth line, and inserting the following in lieu thereof, to wit: "the instalment due from the United States bank in October, 1842."

Mr. Richardson moved to adjourn; which motion did not prevail.

The said bill was then ordered to a third reading, by the following vote:

YEAS.

Mr. Castle,	Mr. Humphrey,	Mr. Smith,	
Mr. Coates,	Mr. Lamb,	Mr. Sprague,	
Mr. Copeland,	Mr. Lee,	Mr. Stockton,	
Mr. Curtis,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Daniels,	Mr. Richardson,	Mr. Wilcox,	
Mr. Drew,	Mr. Rogers,	Mr. Willits,	
Mr. Harding,	Mr. Root,	Mr. Wood,	
Mr. Hawley,	Mr. Russell,	Mr. Speaker,	24

NAYS.

Mr. Biddle,	Mr. Gillett,	Mr. Olin,	
Mr. Bingham,	Mr. Hammond,	Mr. Philbrick,	
Mr. Brown,	Mr. Larue,	Mr. Redfield,	
Mr. Clark,	Mr. Leech,	Mr. Renwick,	
Mr. Cook,	Mr. Mather,	Mr. M. Spencer,	
Mr. Dolsen,	Mr. Metcalf,	Mr. Tinney,	
Mr. Geddes,	Mr. J. Miller,	Mr. Walker,	21

On motion of Mr. Bingham, the House adjourned.

Thursday, March 18, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, the members were all present.

PETITIONS.

Mr. Speaker presented the remonstrance of citizens of Monroe, Lenawee and Hillsdale counties, against any alteration of the present location of the Southern railroad at Adrian. Laid on the table, a report having been made on the subject.

Mr. G. Spencer presented the proposition of Mark Norris, of Ypsilanti, to lease the Central railroad. Referred to the committee on internal improvement.

Mr. Harding presented the claim of Charles Lum, for sundries furnished the state library.

Mr. Brown presented that of George W. Winslow, for wood furnished chancery court.

Mr. Gillett presented his claim for sundries procured for the House of Representatives; all of which claims were referred to the committee on claims.

REPORTS.

Mr. Clark, from the minority of the committee on state prison, to which was recommitted the bill making further appropriation for the state prison, submitted a report thereon, accompanied by "a bill to abolish the office of building commissioner of state prison;" which bill was twice read, referred to the committee of the whole, and placed on the general order; and the report was laid on the table and ordered printed.

(See Document, No. 71.)

Mr. Porter, from the committee on the judiciary, to which was referred the petition of sundry colored persons, for such an alteration of the constitution as would extend to them the right of the elective franchise, and the petition of inhabitants of Washtenaw county, that colored persons be exempted from taxation, submitted a report thereon, accompanied by the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment be, and the same is hereby proposed, to the constitution of said state:

Amend the first section of the second article of the constitution, so that the same may read as follows:

"In all elections, every white citizen above the age of twenty one years, having resided in the state six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant, of the age aforesaid, who may be a resident of the state, at the time of signing this constitution, and every colored male citizen of the United States, of the age aforesaid, who shall be the owner of a freehold property of the value of two hundred and fifty dollars, and who shall have resided in this state one year, next preceding the

election, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the township or ward in which he shall actually reside, at the time of such election."

Which resolution was laid on the table for one day, according to rule.

Mr. Mather moved that five hundred copies of the report be printed; which motion was lost.

Mr. Strong moved that double the usual number be printed; which motion was also lost.

Mr. Lamb moved that two hundred copies be printed; and the same was lost likewise.

And the usual number was then ordered printed.

Mr. G. Spencer, from the committee on the judiciary, reported "a bill to amend part one, title twelve, chapter three of the revised statutes, concerning lands for the general use of the state;" which bill was twice read, and referred to the committee of the whole, and placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which was referred sundry petitions and remonstrances, respecting the division of the township of Ash, Monroe county, reported adversely to said division; and,

On his motion, the committee was discharged from the further consideration of the subject.

Mr. Walker, from the committee on the judiciary, to which was referred the Senate "bill to authorize the county commissioners of the county of Genesee, to vacate a certain burying ground," reported the same back to the House, recommending its passage; and the bill was referred to the committee of the whole, and placed on the general order.

Mr. Renwick, from the committee on ways and means, to which was referred "a bill declaring lands liable to be sold for taxes, forfeited to the state," reported the same back to the House, with a recommendation that it be printed.

And the bill was accordingly laid on the table, and ordered printed.

Mr. Gillett, from the committee on enrolment, reported as

correctly enrolled, "An act to amend an act entitled 'An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes.'"

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, March 17, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the directions of the Senate, I herewith transmit to the House of Representatives, "a joint resolution to provide for binding the manuscript journals of the Senate and House of Representatives," which the Senate have passed.

Also, return with the concurrence of the Senate, the "bill to authorize the building of a certain dam therein named."

Also, further, sir, I am instructed to inform you, respectfully, that the Senate have concurred in the House amendment to the "bill to extend the limits of the county seat of the county of Livingston, and for other purposes."

D. W. KELLOGG,

Secretary of the Senate.

And the joint resolution transmitted by the above message, was laid on the table for one day, according to rule.

Mr. Morton moved to reconsider the vote of yesterday, indefinitely postponing the further consideration of the "bill to authorize the issue of state bonds, and for other purposes."

Mr. G. Spencer moved to lay the motion to reconsider, on the table; which motion did not prevail.

The question then recurring upon the motion to reconsider,

Mr. Morton moved the previous question; which motion was decided in the negative, as follows:

YEAS.

Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,

Mr. Hawley,
Mr. Mather,
Mr. Metcalf,
Mr. Morton,
Mr. Porter,
Mr. Renwick,

Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,

Mr. Drew,
Mr. Geddes,
Mr. Gillett,

Mr. Rogers,
Mr. Root,

Mr. Willits,
Mr. Speaker,

25**NAYS.**

Mr. Barlow,
Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Harding,
Mr. Humphrey,

Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,

Mr. Redfield,
Mr. Richardson,
Mr. Russell,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

25

The question again recurring upon the motion to reconsider, the same was decided in the negative, by the following vote:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,

Mr. Gillett,
Mr. Harding,
Mr. Mather,
Mr. Metcalf,
Mr. Morton,
Mr. Porter,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,

22**NAYS.**

Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,

Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Redfield,

Mr. Richardson,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Speaker,

28

On motion of Mr. Lamb, the House adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the members were all present.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Thursday, March 18, 1841. }

To the Speaker of the House of Representatives :

SIR—I am directed by the Senate to transmit to the House of Representatives, Senate “bill to authorize the settlement of debts due to the state of Michigan, and for other purposes.”

Also, Senate “bill defining the place of holding the next annual township meeting of the township of Woodbridge, in the county of Hillsdale.”

Both of which the Senate have this day passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

The bill defining the place of holding the next annual township meeting of the township of Woodbridge, in the county of Hillsdale,” was twice read; and,

On motion of Mr. Copeland,

The thirty-eighth rule, requiring the commitment of bills from the Senate, was suspended, that said bill might be ordered to a third reading.

And on his motion, the twenty-second rule, requiring the second and third readings of bills on different days, was suspended, that said bill might then be read a third time, and the said bill was then read a third time, and passed.

And the “bill to authorize the settlement of debts due to the state of Michigan, and for other purposes,” was twice read, and referred to the committee on ways and means.

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Thursday, March 18, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the Senate bill number two, “to prescribe the powers and duties of justices of the peace, in civil proceedings,” with the amendments to the same by the House, some of which amendments the Senate have amended, and ask the concurrence of the House; other of the amendments the Senate have concurred

in, and the rest of said amendments are non-concurred in by the Senate, for the details and statement of which, I would respectfully refer you to the "abstract of amendments," numbered forty, herewith transmitted.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Hammond,

The bill returned by the above message, with the amendments made thereto, were referred to the committee on the judiciary.

Mr. Biddle moved to reconsider the vote of yesterday, indefinitely postponing the further consideration of the "bill to abolish the office of supervisor, and for other purposes."

Mr. Strong moved to lay the motion to reconsider on the table; which motion did not prevail.

The question then recurring upon the motion to reconsider, it did not prevail.

The "bill (substitute for number seventy-nine,) to provide for the purchase and completion of the Palmyra and Jacksonburg railroad," was then read a third time.

Mr. Bush then moved a call of the House.

Mr. Stockton moved to lay the motion for a call on the table; which motion was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Stockton,
Mr. Biddle,	Mr. Metcalf,	Mr. Strong,
Mr. Castle,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Copeland,	Mr. Richardson,	Mr. Wilcox,
Mr. Daniels,	Mr. Russell,	Mr. Willits,
Mr. Drew,	Mr. Smith,	Mr. Wood,
Mr. Hawley,	Mr. Sprague,	Mr. Speaker,

21

NAYS.

Mr. Bingham,	Mr. Lamb,	Mr. Pierce,
Mr. Bush,	Mr. Larue,	Mr. Redfield,
Mr. Cook,	Mr. Lee,	Mr. Renwick,
Mr. Curtis,	Mr. Mather,	Mr. Rogers,
Mr. Geddes,	Mr. J. Miller,	Mr. Root,
Mr. Gillett,	Mr. Morton,	Mr. M. Spencer,
Mr. Hammond,	Mr. Philbrick,	Mr. G. Spencer,
Mr. Harding,		

22

The question then recurring upon the motion for a call of

the House, it did not prevail; the following being the vote thereon:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Cook,
Mr. Curtis,
Mr. Drew,
Mr. Gillett,

Mr. Hammond,
Mr. Harding,
Mr. Lamb,
Mr. Larue,
Mr. Morton,
Mr. Philbrick,

Mr. Pierce,
Mr. Redfield,
Mr. Renwick,
Mr. Rogers,
Mr. M. Spencer,
Mr. G. Spencer,

19

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Hawley,
Mr. Humphrey,
Mr. Lee,

Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Richardson,
Mr. Root,
Mr. Russell,
Mr. Smith,

Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

24

The question then recurring upon the passage of said bill,

Mr. Hammond moved a recommitment of the bill, with instructions to amend it so as either to provide for the extension of the period for exacting any interest on sums of money due, or to grow due, from the said company to the state, for a period not exceeding four years, or to give to the company all that is due to the state from said company, and discharge the securities; or to provide that the state will take and finish the road, provided the company will give to the state a good and clear title, without further payment by the state; pending which motion,

Mr. Bingham moved a call of the House; which motion was sustained; and,

The roll being called, Messrs. Brown and Porter were absent without leave.

On motion of Mr. Bingham,

The sergeant-at-arms was directed to bring in the absentees; and the absentees soon appearing in their seats,

On motion of Mr. Bush,

The further proceedings under the call were dispensed with.

The question then recurring upon Mr. Hammond's motion to recommit, he withdrew the same; and,

The question then recurring upon the passage of said bill, it was lost by the following vote:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. Sprague,
Mr. Castle,	Mr. Lee,	Mr. Stockton,
Mr. Coates,	Mr. Mather,	Mr. Strong,
Mr. Copeland,	Mr. Metcalf,	Mr. Tyler,
Mr. Daniels,	Mr. H. L. Miller,	Mr. Wilcox,
Mr. Drew,	Mr. Richardson,	Mr. Willits,
Mr. Hawley,	Mr. Russell,	Mr. Wood,
Mr. Humphrey,	Mr. Smith,	Mr. Speaker,

24**NAYS.**

Mr. Biddle,	Mr. Hammond,	Mr. Porter,
Mr. Bingham,	Mr. Harding,	Mr. Redfield,
Mr. Brown,	Mr. Larue,	Mr. Renwick,
Mr. Bush,	Mr. Leech,	Mr. Rogers,
Mr. Clark,	Mr. J. Miller,	Mr. Root,
Mr. Cook,	Mr. Morton,	Mr. M. Spencer,
Mr. Curtis,	Mr. Olin,	Mr. G. Spencer,
Mr. Dolsen,	Mr. Philbrick,	Mr. Tinney,
Mr. Geddes,	Mr. Pierce,	Mr. Walker,
Mr. Gillett,		

28

The Chair also announced as the special order of the day, the "bill to provide for the further construction and preservation of the Clinton and Kalamazoo canal."

On motion of Mr. Metcalf,

The committee of the whole was discharged from the further consideration of said bill; and the same was then ordered to a third reading.

Mr. Lamb moved a suspension of the twenty-second rule, that said bill might then be read a third time.

Mr. Morton moved to adjourn; which motion was decided in the negative.

The question then recurring upon the motion of Mr. Lamb, to suspend the twenty-second rule, the same prevailed; and the said bill was then read a third time and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Renwick,
Mr. Biddle,	Mr. Lamb,	Mr. Richardson,

Mr. Bingham,	Mr. Larue,	Mr. Russell,	
Mr. Brown,	Mr. Lee,	Mr. Smith,	
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,	
Mr. Castle,	Mr. Mather,	Mr. Sprague,	
Mr. Clark,	Mr. Metcalf,	Mr. Stockton,	
Mr. Coates,	Mr. J. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tinney,	
Mr. Dolsen,	Mr. Morton,	Mr. Tyler,	
Mr. Drew,	Mr. Olin,	Mr. Walker,	
Mr. Gillett,	Mr. Philbrick,	Mr. Wilcox,	
Mr. Hammond,	Mr. Pierce,	Mr. Willits,	
Mr. Harding,	Mr. Porter,	Mr. Wood,	
Mr. Hawley,	Mr. Redfield,	Mr. Speaker,	45

NAYS.

Mr. Cook,	Mr. Rogers,	Mr. G. Spencer,	
Mr. Geddes,			4

On motion of Mr. Wood, the House adjourned.

Friday, March 19, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. H. Colclazer.

The roll being called, Messrs. Clark and Castle were absent without leave.

PETITIONS.

Mr. Biddle presented the memorial of sundry citizens of the city of Detroit, relative to the amending the charter of said city. Referred to the committee on the judiciary.

Mr. Pierce presented the petition of Ira Durrin and thirty-six others, citizens of Washtenaw county, for the repeal of the law for the abolishment of imprisonment for debt. Laid on the table.

Mr. Olin presented a memorial and proceedings of a meeting of inhabitants of Calhoun county, urging the passage of the exemption bill, (so called,) with certain amendments. Laid on the table, a report having been made thereon.

Mr. Harding presented the claim of Peter Morey, Esq., attorney general, for postage. Referred to the committee on claims.

REPORTS.

Mr. Pierce, from the committee on internal improvement, to which was referred the report of the attorney general on the subject of the Detroit and Pontiac railroad, reported the following bill, viz: "a bill to authorize the further construction of the Detroit and Pontiac railroad, and for other purposes;" which was twice read, and referred to the committee on the judiciary.

Mr. Richardson, from the committee on the judiciary, to which was referred the following, to wit:

The "bill to authorize Wm. H. Griswold, a minor, to convey certain real estate, &c.;" the "bill to authorize Jacob H. Divers, a minor, to sell certain lands;" the "bill to authorize the minor children and heirs of Thomas Smith, deceased, to convey certain lands;" the "bill to authorize the minor heirs and children of the late Wm. Taylor, deceased, to convey certain lands;" the petition of P. W. C. Gates, for a law to be passed authorizing a minor to convey real estate; and the petition of James Vanderbilt, for the passage of a like law, authorizing the minor heirs of William Force, to convey certain real estate; submitted a report thereon, which was laid on the table and ordered printed.

(See Document, No. 72.)

And the said bills were then referred to the committee of the whole, and placed on the general order.

The Chair announced the following from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Thursday, March 18, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return to the House, House "bill to amend an act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834;" which the Senate have this day passed, with amendments, (two-thirds of the Senate having voted for the passage of the same,) and respectfully ask the concurrence of the House in the amendments made.

Also, to return House "bill to organize a school district in the city of Detroit;" which the Senate have this day passed without amendment.

D. W. KELLOGG,

Secretary of the Senate.

And the House concurred in the amendments made by the Senate to the "bill to amend an act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834;" and the said bill was accordingly ordered enrolled.

On motion of Mr. Biddle,

The House took up the motion laid on the table on the 15th instant, to reconsider the vote on the passage of the "bill to amend the charter of the city of Detroit;" and the question then being upon reconsidering said vote, the same prevailed.

On motion of Mr. Biddle,

The said bill was then referred to the committee on the judiciary, and ordered printed.

Mr. Biddle moved to reconsider the vote of yesterday, on the question of the final passage of the "bill to provide for the purchase and completion of the Palmyra and Jacksonburg railroad; which motion was decided in the affirmative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Rogers,	
Mr. Biddle,	Mr. Harding,	Mr. Russell,	
Mr. Brown,	Mr. Hawley,	Mr. Smith,	
Mr. Coates,	Mr. Humphrey,	Mr. Sprague,	
Mr. Copeland,	Mr. Lee,	Mr. Stockton,	
Mr. Daniels,	Mr. Mather,	Mr. Strong,	
Mr. Dolsen,	Mr. Metcalf,	Mr. Wilcox,	
Mr. Drew,	Mr. H. L. Miller,	Mr. Willits,	
Mr. Geddes,	Mr. Porter,	Mr. Wood,	
Mr. Gillett,	Mr. Richardson,	Mr. Speaker,	30

NAYS.

Mr. Bingham,	Mr. J. Miller,	Mr. Root,
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,
Mr. Cook,	Mr. Philbrick,	Mr. G. Spencer,
Mr. Curtis,	Mr. Pierce,	Mr. Tinney,
Mr. Larue,	Mr. Redfield,	Mr. Walker,
Mr. Leech,	Mr. Renwick,	

On motion of Mr. Biddle,

The said bill was then recommitted to the committee on internal improvement.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the "bill to authorize the auditor general, state treasurer, and attorney general, to settle with the late commissioners of internal improvement; and the same was, on his motion, then referred to the committee on ways and means.

Mr. Humphrey laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be, and they are hereby instructed to deliver unto F. & H. Fowler, estimates for work done by them on the Southern railroad, and now withheld by said board.

On motion of Mr. Walker,

The House resolved itself into committee of the whole on the "bill, number eighty-one, to authorize mortgagees to redeem real estate sold for taxes and assessments," and, on the "bill, number eighty-two, authorizing mortgagees and others to pay taxes on real estate in certain cases;" Mr. Porter in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment; and, the same being under consideration,

On motion of Mr. Walker, the further consideration of bill number eighty-one, was indefinitely postponed.

On motion of Mr. H. L. Miller,

The first section of bill number eighty-two, was then amended by inserting the following, after the word "thereof," in the fifth line, to wit: "or any person who may have become the purchaser of the same at any sale of lands for taxes, by the treasurer of any county."

And the second section was amended by inserting after the word "assignee," in the second line, the words, "or purchaser." The said bill was then ordered to a third reading.

Mr. Walker moved to reconsider the vote ordering said bill to a third reading.

On motion of Mr. Hammond, the motion to reconsider was laid on the table.

On motion of Mr. Metcalf,

The House resolved itself into committees of the whole on the Senate "bill exempting certain articles of personal property from sale on execution or attachment;" and on the House "bill to authorize the exemption of certain property from execution;" Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. H. L. Miller,

The committee of the whole was discharged from the further consideration of the "bill authorizing the expenditure of the appropriation heretofore made for the construction of the Saginaw canal, on the Saginaw turnpike, and for other purposes;" and the same was taken up for consideration.

On motion of Mr. H. L. Miller,

The same was amended by striking out the word "fifteen," in the third line of the first section, and substituting therefor the word "five;" and further amended by striking out the second section of said bill.

Mr. Harding moved to further amend said bill, by adding thereto the following sections:

"Sec. 2. The unexpended balance of the appropriation heretofore made for the construction of the Saginaw canal, after deducting therefrom the amount appropriated in the first section of this act, be, and the same is hereby withdrawn, and shall be placed to the credit of the internal improvement fund.

"Sec. 3. The unexpended balance, when ascertained, of the appropriation heretofore made on the Northern railroad, after deducting therefrom the sum of \$35,000, be, and the same is hereby withdrawn, and placed to the credit of the internal improvement fund."

Mr. Metcalf moved to amend the amendment, by adding the following, to wit:

"Sec. 4. That the unexpended balance of the appropriation heretofore made for the construction of the Saut Ste Marie canal be, and the same is hereby recalled, and placed to the credit of the internal improvement fund."

Pending which, on motion of Mr. Harding, the bill and amendments were laid on the table.

On motion of Mr. Larue,

The House resolved itself into committee of the whole on the "bill to amend an act, entitled 'An act to provide for the sale of certain lands to the settlers thereon, and for other purposes,' approved March 25, 1840," and to extend the provisions thereof to persons in this act named;" Mr. Castle in the chair.

After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Mather, the House adjourned.

Afternoon Session:

The House met pursuant to adjournment.

The roll being called, Messrs. Clark, Smith, Tyler and Wood, were absent without leave.

By general consent, Mr. G. Spencer, from the select committee to which was referred a resolution of inquiry as to the expediency of issuing state script, in payment of dues of the state, redeemable out of instalments of the five million loan, reported "a bill to provide for the anticipation of certain instalments of the five million loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement;" which bill was twice read, and referred to the committee of the whole and placed on the general order.

On motion of Mr. Larue,

The House again resolved itself into committee of the whole on the "bill to amend an act, entitled 'An act to provide for the sale of certain lands to the settlers thereon, and for other purposes,' approved March 25, 1840, and to extend the provisions thereof to persons in this act named;" Mr. Castle in the chair.

After some time spent thereon, the committee rose and re-

ported the same back with amendments; which were concurred in by the House.

On motion of Mr. Larue,*

The said bill was then further amended, by adding thereto the following, to wit: "to Jacob R. Davis, for the south-east fractional quarter of section twenty-five, in town seven south, of range eighteen west, at the rate of four dollars per acre,"

On motion of Mr. Walker,

The following amendment was added to said bill, to wit: "to Ariel Hilton, the south-east quarter of section number twenty-two, town eight north, of range number eleven west, at the rate of six dollars per acre."

The said bill was then ordered to a third reading.

On motion of Mr. Porter,

The twenty-second rule, requiring the second and third reading of bills to be had on different days, was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

On motion of Mr. H. L. Miller,

And by general consent, the House took up from the table for consideration, the "bill authorizing the expenditure of the appropriation heretofore made for the construction of the Saginaw canal, on the Saginaw turnpike, and for other purposes;" and the question being upon Mr. Metcalf's amendment to the amendment proposed by Mr. Harding,

Mr. Harding then withdrew his said amendment.

On motion of Mr. Harding,

The following was then adopted to stand as section two of said bill, to wit:

"Sec. 2. That the unexpended balance of the appropriation heretofore made for the construction of the Saginaw canal, after deducting therefrom the aforesaid sum of five thousand dollars, and also such further sum as may be necessary to pay all just and legal claims against the state, for work already done on said Saginaw canal be, and the same is hereby withdrawn from said canal, and placed to the credit of the internal improvement fund."

The said bill was then ordered to a third reading.

On motion of Mr. Stockton,

The twenty-second rule was suspended, that said bill might then be read a third time; and the said bill was then read a time and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Redfield,
Mr. Bingham,	Mr. Humphrey,	Mr. Richardson,
Mr. Brown,	Mr. Lamb,	Mr. Russell,
Mr. Bush,	Mr. Larue,	Mr. Sprague,
Mr. Castle,	Mr. Lee,	Mr. Stockton,
Mr. Coates,	Mr. Leech,	Mr. Strong,
Mr. Copeland,	Mr. Mather,	Mr. Tinney,
Mr. Dolson,	Mr. H. L. Miller,	Mr. Walker,
Mr. Drew,	Mr. Olin,	Mr. Wilcox,
Mr. Gillett,	Mr. Philbrick,	Mr. Willits,
Mr. Hammond,	Mr. Porter,	Mr. Speaker,
Mr. Harding,		34

NAYS.

Mr. Biddle,	Mr. Metcalf,	Mr. Rogers,
Mr. Cook,	Mr. J. Miller,	Mr. Root,
Mr. Daniels,	Mr. Pierce,	Mr. G. Spencer,
Mr. Geddes,	Mr. Renwick,	11

The title of said bill being under consideration,

On motion of Mr. H. L. Miller,

It was amended by inserting the words "five thousand dollars," after the word "expenditure," in the first line.

The title as amended, was then adopted.

On motion of Mr. Stockton, the House adjourned.

Saturday, March 20, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Lee, Morton and Tyler were absent without leave.

PETITIONS.

Mr. Bingham presented the petition of seventy citizens of the county of Livingston, for the passage of a law exempting them from being sued in justices' courts, for one year. Laid on the table.

REPORTS.

Mr. Walker, from the committee on internal improvement, to whom was recommended the "bill to provide for the purchase and completion of the Palmyra and Jacksonburg railroad," reported the same back to the House, with a substitute therefor, entitled "a bill relative to the Palmyra and Jacksonburg railroad company;" which was twice read, and the bill and substitute were both referred to the committee of the whole, and placed on the general order.

On motion of Mr. Bingham,

The substitute for said bill was then made the special order for Tuesday next.

Mr. Metcalf, from the same committee, to which was referred the following resolution, to wit:

"Resolved, That the committee on internal improvement be requested to report to this House, whether any special action of this legislature is necessary to authorize them to pay claims for work done upon the works of internal improvement;" reported the same back to the House, accompanied by the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be, and they are hereby directed to examine and allow all claims for work done, or services rendered, or materials furnished the state, on her works of internal improvement, since the several appropriations were exhausted, in the same manner, and under the same regulations, as they would have done, if the said appropriations had not been exhausted. And the auditor general is hereby authorized and directed to draw his warrants for the sums found to be due, in the same manner as by law now directed, upon the treasurer of this state; and the said treasurer is hereby directed to pay the same, out of the sums which have been, or may hereafter be appropriated for the further construction and completion of said works of internal improvement, respectively.

Which resolution was laid on the table, for one day, accord-

ing to rule; and the committee, on his motion, were discharged from the further consideration of the subject.

Mr. Hammond, from the committee on the judiciary, to which was referred a "bill to prevent suits upon judgments in certain cases," reported the same back to the House, recommending its passage; and the bill was referred to the committee of the whole, and placed on the general order.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill returned from the Senate, "to prescribe the powers and duties of justices of the peace, in civil proceedings," reported the same back to the House; which bill was then referred to the committee of the whole, and placed on the general order.

Mr. Hammond then moved, that when the House reaches the general order, that said bill be first considered; which motion was decided in the affirmative.

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Friday, March 19, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate to transmit to the House of Representatives, the following "bill for the relief of Job Slatford," which the Senate have this day passed, and respectfully ask the concurrence of the House in the same.

Also, I am instructed to return to the House "a bill in relation to the duties of county commissioners, in certain cases," which the Senate have concurred in and passed.

Also, to transmit Senate bill forty-two, to amend the several acts in relation to the university and its branches," which the Senate have this day passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

The "bill for the relief of Job Slatford," was twice read; and,

Mr. Geddes then moved to lay said bill on the table; which motion did not prevail.

And said bill was then referred to the committee on the judiciary.

And the "bill to amend the several acts in relation to the university and its branches," was twice read and referred to the committee on education.

The Chair, also, announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the act entitled "An act to amend an act entitled 'An act to incorporate the village of Ypsilanti,' and the act or acts amendatory thereof."

Also, an act entitled "An act to change the name of the township of Pinckney, in the county of Calhoun."

J. WRIGHT GORDON.

Executive Office, March 19, 1841.

Mr. Barlow gave notice, that he should, at some future day, ask leave to introduce a bill requiring the commissioners of internal improvement, to expend the unexpended balance of the appropriation, for the improvement of the navigation of Kalamazoo river, in improving the same, and for other purposes.

Mr. Richardson moved that the House take up the joint resolution laid on the table on the 17th instant, authorizing the board of internal improvement to extend the Southern railroad to the village of Jonesville.

Which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. Russell,
Mr. Biddle,	Mr. Larue,	Mr. Smith,
Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Castle,	Mr. Mather,	Mr. Sprague,
Mr. Coates,	Mr. Metcalf,	Mr. Stockton,
Mr. Cook,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,
Mr. Drew,	Mr. Porter,	Mr. Wilcox,
Mr. Harding,	Mr. Richardson,	Mr. Willits,
Mr. Hawley,	Mr. Rogers,	Mr. Speaker,
Mr. Humphrey,	Mr. Root,	

32

NAYS.

Mr. Brown,	Mr. Hammond,	Mr. Redfield,
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Mr. Bush,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,

Mr. J. Miller,
Mr. Olin,
Mr. Pierce,

Mr. Renwick,
Mr. G. Spencer,
Mr. Strong,

18

Mr. Humphrey moved to amend said resolution, by adding thereto the following proviso, to wit:

"Provided, Said railroad shall be finished to the village of Hillsdale, before other contracts shall be made for its further extension: and, provided also, the route by way of Jonesville, shall, after full examination by the board of internal improvement, and chief engineer, be decided to be the most feasible and least expensive, and shall not increase the distance between Hillsdale village, and the village of Branch, more than three miles."

Mr. Harding offered the following as a substitute for said amendment; which substitute was accepted by Mr. Humphrey, to wit:

"Provided, That the said Southern railroad shall first be completed to the village of Hillsdale, and that the unexpended balance of the appropriations heretofore made on the said railroad remaining, after the completion of the same to Hillsdale, shall be sufficient to complete the said railroad to the village of Jonesville."

Mr. Strong then moved to amend the amendment, by adding thereto the following, to wit:

"And, provided also, The route by way of Jonesville, shall, after full examination by the board of internal improvement and chief engineer, be decided to be the most feasible and least expensive, and shall not increase the distance between Hillsdale village and the village of Branch, more than three miles."

Which amendment was adopted; and the question then recurring upon the amendment as amended,

Mr. Porter moved to amend the same by striking out all after the word "expensive;" which motion prevailed, by the following vote:

YEAS.

Mr. Biddle,
Mr. Bingham,

Mr. Drew,
Mr. Geddes,

Mr. Richardson,
Mr. Russell,

Mr. Brown,	Mr. Harding,	Mr. Smith,
Mr. Bush,	Mr. Hawley,	Mr. Sprague,
Mr. Castle,	Mr. Lamb,	Mr. Stockton,
Mr. Coates,	Mr. Leech,	Mr. Tinney,
Mr. Cook,	Mr. Mather,	Mr. Walker,
Mr. Curtis,	Mr. Philbrick,	Mr. Wilcox,
Mr. Dolsen,	Mr. Porter,	Mr. Wood,

27

NAYS.

Mr. Copeland,	Mr. J. Miller,	Mr. Root,
Mr. Daniels,	Mr. Olin,	Mr. M. Spencer,
Mr. Gillett,	Mr. Pierce,	Mr. Strong,
Mr. Hammond,	Mr. Redfield,	Mr. Willits,
Mr. Larue,	Mr. Renwick,	Mr. Speaker,
Mr. Metcalf,	Mr. Rogers,	

17

The question then recurring upon the amendment as amended, the same prevailed.

And the resolution, as amended, was then adopted, by the following vote:

YEAS.

Mr. Biddle,	Mr. Gillett,	Mr. Russell,
Mr. Bingham,	Mr. Harding,	Mr. Smith,
Mr. Brown,	Mr. Hawley,	Mr. G. Spencer,
Mr. Castle,	Mr. Humphrey,	Mr. Sprague,
Mr. Coates,	Mr. Lamb,	Mr. Stockton,
Mr. Cook,	Mr. Mather,	Mr. Tinney,
Mr. Copeland,	Mr. Philbrick,	Mr. Walker,
Mr. Curtis,	Mr. Pierce,	Mr. Wilcox,
Mr. Dolsen,	Mr. Porter,	Mr. Willits,
Mr. Drew,	Mr. Richardson,	Mr. Wood,
Mr. Geddes,	Mr. Root,	Mr. Speaker,

33

NAYS.

Mr. Bush,	Mr. Metcalf,	Mr. Renwick,
Mr. Daniels,	Mr. J. Miller,	Mr. Rogers,
Mr. Hammond,	Mr. Olin,	Mr. M. Spencer,
Mr. Larue,	Mr. Redfield,	Mr. Strong,

12

The House resolved itself into committee of the whole, on the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings;" Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported the said bill back to the House, and the committee recommended that the House do concur in the first and second Senate amendments to the House amendments, and non-con-

cur in the third amendment made to said bill, and that the House recede from certain amendments in which the Senate refuse to concur, and that they insist upon their other amendments made to said bill; pending the consideration of said report,

Mr. Metcalf moved to adjourn until half past two o'clock, P. M.

Mr. Curtis moved to amend the motion so as to adjourn until Monday morning next, at nine o'clock; which motion did not prevail.

And the question then recurring upon the motion of **Mr. Metcalf**, the same prevailed, and the House accordingly adjourned.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Clark, Lee, Mather, Morton, Richardson, Tyler, Wilcox and Wood, were absent without leave.

The House then resumed the consideration of the unfinished business of this morning, it being the question pending, when the House adjourned, to wit: upon concurring in the report of the committee of the whole on the "bill to prescribe the powers and duties of justices of the peace in civil proceedings;" and the said question was then decided in the affirmative.

On motion of **Mr. Hammond**,

The committee of the whole was discharged from the further consideration of the "bill relative to attachments in circuit courts;" and the same was taken up for consideration.

On motion of **Mr. Porter**,

The said bill was amended by striking out all after the word "that," in the second line of the first section, and inserting the following in lieu thereof, to wit: "the act entitled 'An act to amend chapter one, title four, and part three of the revised statutes, entitled 'of proceedings against debtors in attachment,' approved March 16, 1840,' be and the same is hereby repealed;" the said bill was then ordered to a third reading.

On motion of **Mr. Porter**,

The twenty-second rule, requiring the second and third readings of bills to be had on different days, was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

The title of said bill being under consideration,

Mr. Walker offered therefor, the following substitute, to wit: "a bill repealing 'An act to amend chapter one, title four, and part three of the revised statutes, entitled 'of proceedings against debtors in attachment;'" which substitute was adopted.

The House resolved itself into committee of the whole on the "bill to incorporate the Adrian church association;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment; and the said bill being still under consideration,

Mr. Coates moved to amend the same by striking out the word "twelve," in the ninth line of the first section, and inserting in lieu thereof the word "ten;" which motion did not prevail.

On motion of Mr. Harding,

The fourth section of said bill was amended by adding thereto the following, to wit: "for the sole purpose of erecting and building a place of worship to be used by a presbyterian or congregational society, as provided in the first section of this act."

On motion of Mr. J. Miller,

The second section of said bill was amended by inserting the words "not inconsistent with law," after the word "thereof," in the third line.

The bill was then ordered to a third reading.

Mr. Pierce moved to suspend the twenty-second rule, that said bill might then be read a third time; which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Daniels,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,

Mr. Russell,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,

Mr. Dolsen,	Mr. Metcalf,	Mr. Stockton,	
Mr. Geddes,	Mr. J. Miller,	Mr. Tinney,	
Mr. Gillett,	Mr. Pierce,	Mr. Walker,	
Mr. Hammond,	Mr. Renwick,	Mr. Willits,	
Mr. Harding,	Mr. Rogers,	Mr. Speaker,	27

NAYS.

Mr. Bush,	Mr. Leech,	Mr. Redfield,	
Mr. Coates,	Mr. Olin,	Mr. Smith,	
Mr. Curtis,	Mr. Philbrick,		8

And the said bill was then read the third time, and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Redfield,	
Mr. Brown,	Mr. Hawley,	Mr. Renwick,	
Mr. Castle,	Mr. Humphrey,	Mr. Rogers,	
Mr. Cook,	Mr. Lamb,	Mr. Russell,	
Mr. Daniels,	Mr. Larue,	Mr. Sprague,	
Mr. Dolsen,	Mr. Metcalf,	Mr. Stockton,	
Mr. Geddes,	Mr. J. Miller,	Mr. Tinney,	
Mr. Gillett,	Mr. H. L. Miller,	Mr. Willits,	
Mr. Hammond,	Mr. Pierce,	Mr. Speaker,	27

NAYS.

Mr. Bush,	Mr. Leech,	Mr. Smith,	
Mr. Coates,	Mr. Olin,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,	9

The House then resolved itself into committee of the whole on the "bill to incorporate the Thornapple slack water navigation company;" Mr. Smith in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments; and the committee, upon motion, was discharged from the further consideration of said bill.

On motion of Mr. J. Miller,

The said bill was then recommitted to the committee on the judiciary.

On motion of Mr. Walker, the House then adjourned until Monday morning, at nine o'clock.

Monday, March 22, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Biddle and Mather, were absent without leave.

PETITIONS.

Mr. Bingham presented the claim of the clerk of the supreme court, for the fourth circuit, for stationery furnished said court.

Mr. Gillett presented the claim of Mason Palmer, for sundries furnished the committee on supplies, for the use of the House of Representatives. Also, that of Z. Chandler, for the same.

All of which claims were referred to the committee on claims.

Mr. Harding presented the memorial of the president, directors and company of the bank of St. Clair, in relation to certain taxes assessed upon said bank; which memorial was laid on the table.

REPORTS.

Mr. Metcalf, from the committee on internal improvement, to which was referred a communication from the commissioners of internal improvement, accompanying certain requests and propositions from the agents of the Ohio railroad company, and the Maumee branch railroad company, submitted a report thereon;

(See Document, No. 73.)

Which was laid on the table and ordered printed; and,

On his motion, the committee was discharged from the further consideration of the subject.

Mr. Renwick, from the committee on ways and means, to which was referred a joint resolution requiring the state treasurer to settle the claims of the state against William Ford & Son, submitted a report thereon;

(See Document, No. 74.)

Which was laid on the table and ordered printed; and,

On his motion, the committee was discharged from its further consideration.

The same, from the same committee, to which was referred the House "bill to authorize the auditor general, state treasurer, and attorney general, to settle with the late commissioners of internal improvement," reported the same back to the House, recommending its passage; and the bill was then referred to the committee of the whole, and placed on the general order.

The same, from the same, to which was referred the Senate "bill in relation to delinquent taxes," reported the same back to the House, recommending its passage; and the bill was referred to the committee of the whole, and placed on the general order.

The same, from the select committee on apportionment, to which was referred the Senate "bill to apportion anew the representatives and senators among the several counties and districts of this state," reported the same back to the House; and, upon motion, the bill was laid on the table.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Friday, March 19, 1841. }

To the Speaker of the House of Representatives :

SIR—I am directed by the Senate to return to the House, "a bill relative to the duties of the superintendent of public instruction and state treasurer, and for other purposes," (being a substitute for Senate bill number thirty-four, "in relation to the university and primary school fund,") and respectfully inform the House, that the Senate have non-concurred in the substitute.

Also, to return the "bill authorizing county commissioners to make assessments in certain cases," which was this day lost in the Senate.

D. W. KELLOGG,
Secretary of the Senate.

The House then insisted upon the amendments to the Senate "bill in relation to the university and primary school fund;" and,

On motion of Mr. Harding,

A committee of conference was appointed, to act with a similar committee to be appointed by the Senate, on the disagreement in relation to said bill.

The Chair announced as such committee, Messrs. Harding, Walker and Pierce.

Mr. Bingham moved that the House take up the joint resolution laid on the table on the fourth of March, fixing the day of adjournment of the legislature on the eighth of March, instant; which motion was decided in the affirmative, as follows:

YEAS.

Mr. Bingham,	Mr. Harding,	Mr. Philbrick,
Mr. Brown,	Mr. Humphrey,	Mr. Redfield,
Mr. Bush,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Larue,	Mr. Russell,
Mr. Clark,	Mr. Lee,	Mr. M. Spencer,
Mr. Coates,	Mr. Leech,	Mr. Strong,
Mr. Curtis,	Mr. J. Miller,	Mr. Walker,
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Willits,
Mr. Drew,	Mr. Olin,	Mr. Speaker,

27

NAYS.

Mr. Barlow,	Mr. Hammond,	Mr. G. Spencer,
Mr. Cook,	Mr. Pierce,	Mr. Sprague,
Mr. Copeland,	Mr. Porter,	Mr. Stockton,
Mr. Daniels,	Mr. Renwick,	Mr. Tyler,
Mr. Geddes,	Mr. Rogers,	Mr. Wood,
Mr. Gillett,		

16

Mr. Bingham then moved to amend the resolution, by fixing the 29th instant, at 12 o'clock, noon, for adjournment.

Mr. Strong moved to amend said resolution, by inserting the first of April, next.

Mr. Hammond moved to amend it by inserting the fifth of April, which motion was negatived by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Pierce,
Mr. Daniels,	Mr. Hammond,	Mr. Russell,
Mr. Geddes,	Mr. H. L. Miller,	Mr. Stockton,

9

NAYS.

Mr. Bingham,	Mr. Lamb,	Mr. Root,
Mr. Brown,	Mr. Larue,	Mr. Smith,
Mr. Bush,	Mr. Lee,	Mr. M. Spenser,

Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Dolsen,
Mr. Drew,
Mr. Harding,
Mr. Hawley,

Mr. Leech,
Mr. Metcalf,
Mr. J. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,
Mr. Rogers,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

37

The question then recurring upon the motion to insert the first of April,

Mr. Cook moved to amend the same, by inserting the 31st instant.

On motion of Mr. Renwick,

The whole subject was then laid on the table by the following vote:

YEAS.

Mr. Barlow,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Humphrey,
Mr. Lamb,

Mr. Lee,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,

Mr. Russell,
Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tyler,
Mr. Willits,
Mr. Wood,

25

NAYS.

Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Drew,

Mr. Hammond,
Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,

Mr. Redfield,
Mr. Root,
Mr. M. Spencer,
Mr. Strong,
Mr. Tinney,
Mr. Walker,
Mr. Speaker,

22

RESOLUTIONS AND NOTICES.

Mr. Coates offered the following:

Resolved, That the following shall be adopted as one of the standing rules of the House:

“Rule —. That no new business shall be taken up by the House, after the 25th instant;” which resolution,

On motion of Mr. Stockton, was laid on the table, by the following vote:

YEAS.

Mr. Brown,	Mr. Humphrey,	Mr. Renwick,	
Mr. Castle,	Mr. Lamb,	Mr. Rogers,	
Mr. Cook,	Mr. Larue,	Mr. Russell,	
Mr. Copeland,	Mr. Lee,	Mr. Smith,	
Mr. Daniels,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Geddes,	Mr. H. L. Miller,	Mr. Stockton,	
Mr. Hammond,	Mr. Pierce,	Mr. Tyler,	
Mr. Harding,	Mr. Porter,	Mr. Willits,	24

NAYS.

Mr. Barlow,	Mr. Drew,	Mr. Root,	
Mr. Bingham,	Mr. Hawley,	Mr. M. Spencer,	
Mr. Bush,	Mr. J. Miller,	Mr. Tinney,	
Mr. Clark,	Mr. Olin,	Mr. Walker,	
Mr. Coates,	Mr. Philbrick,	Mr. Wood,	
Mr. Curtis,	Mr. Redfield,	Mr. Speaker,	
Mr. Dolsen,			19

On motion of Mr. Pierce,

Resolved, That the committees of this House be requested to report all the business before them, to this House, as soon as convenient; and on or before the 27th of this month.

Mr. Porter offered the following preamble and resolution:

Whereas, the board of internal improvement, to which was referred a communication from the commissioners of internal improvement, accompanying certain requests and propositions from the agents of the Ohio railroad company, and the Maumee branch railroad company, report, among other things, that "the advantages of this (the proposed) connection to the works of this state, are so obvious, and its direct bearing to the revenue to be derived from them, so plain, that your committee think that there can be but one opinion upon the subject. The great stream of emigration to the west, which has, as yet, but just commenced, will find its way, to a great degree, through this avenue; and should the proposed connection be effected, it would secure effectually to this state all the benefits to be derived from it. On the contrary, your committee fear, that if the state should neglect the subject entirely, some other channel of communication would be formed beyond our bor-

ders, and we should be left to mourn, when too late, our shortsightedness and want of action in the premises;" *and whereas*, it appears by said report, that the state is subject to great loss, and exposed to deep future regret, which regret will be unavailing through want of action in the premises; therefore,

Resolved, That the subject be referred to said committee, and that they be instructed to report what kind of action they conceive expedient to avert the serious consequences they apprehend from a neglect of the subject.

Which resolution was, on motion of Mr. G. Spencer, laid on the table.

Mr. Curtis offered the following resolution, which by his consent was laid on the table, to wit:

Resolved, That a committee of three be appointed to inquire into the condition and affairs of the Erie and Kalamazoo railroad bank, and to ascertain whether the charter of that institution should not be declared forfeited in consequence of its refusal to pay specie for the redemption of its notes, and other violations of law, and that the committee report the result of their investigation to the governor, to be laid before this or the next legislature, and for such other action as he may deem necessary and proper.

Mr. Strong offered the following resolution:

Resolved, That on and after the 24th instant, this House will hold evening sessions, until the period of final adjournment.

Which resolution, on motion, was laid on the table.

Mr. Hammond laid on the table, the following joint resolution:

Resolved, (if the Senate concur,) That this legislature will adjourn, *sine die*, on Monday, the fifth day of April next, at 12 o'clock, noon.

Mr. Hammond gave notice, that he shall on some future day, ask leave to introduce "a bill imposing additional duties on the auditor general, and for other purposes."

Mr. Russell gave notice that he would, on some future day, ask leave to introduce "a bill relative to connecting the Michi-

gan and Ohio works of internal improvement, and for other purposes."

On motion of Mr. G. Spencer,

The House took up from the table, the joint resolution reported by the committee on the judiciary, on the 18th instant, proposing to so amend the constitution as to extend, upon certain conditions, the elective franchise to persons of color.

Mr. Metcalf moved that said resolution be recommitted to the committee on the judiciary, with instructions to amend the same so as to require thirty days' previous residence of the elector in the county in which he offers to vote, before he can vote in such county; which motion did not prevail.

On motion of Mr. Strong,

The last clause of said resolution was amended by inserting the words following, after the word "vote," to wit: "unless he shall have resided thirty days in the county;" and,

On motion of Mr. Barlow,

The said resolution was then recommitted to the committee on the judiciary.

On motion of Mr. Harding,

The "bill to provide for the anticipation of certain instalments of the \$5,000,000 loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement," was made the special order for Wednesday next.

On motion of Mr. Dolsen,

The "bill to amend an act entitled 'An act to organize the militia,' approved April 23, 1838," was taken up from the table and referred to the committee of the whole, and placed on the general order.

On motion of Mr. Bush,

The committee of the whole was discharged from the further consideration of the "bill to vacate the county seat of Livingston, and for other purposes;" and the same was taken up for consideration; and,

On motion of Mr. Bush, its further consideration was then indefinitely postponed.

On motion of Mr. Larue,

The committee of the whole was discharged from the further consideration of the "bill making appropriations for payment of railroad iron purchased of Hicks & Co., of the city of New York, in 1838," and the same was taken up for consideration;

On motion of Mr. Larue, the said bill was laid on the table.

The House then resolved itself into committee of the whole, on the "bill to reduce the price of university and school lands, and for other purposes;" Mr. Porter in the chair.

After some time spent thereon, the committee rose, reported progress and asked and obtained leave to sit again.

On motion of Mr. Walker, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Bingham, Hammond, Mather and Strong, were absent without leave.

Mr. Renwick asked and obtained leave of absence for Mr. Hammond, on account of indisposition; and Mr. Wilcox for Mr. Mather.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

1st. "An act to change the names of certain townships, and for other purposes."

2d. "An act to organize the townships of Spalding and Tyler."

3d. "An act to organize certain townships."

4th. "An act to extend the limits of the county seat of the county of Livingston, and for other purposes."

5th. "An act to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys."

And also, a "Preamble and joint resolution relative to the domestic production of copper," &c.

Also, a "Joint resolution, authorizing the Librarian to subscribe for twelve copies of the *Western Farmer*."

J. WRIGHT GORDON.

Executive Office, March 20, 1841.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, March 20, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House, "a bill suspending for a limited time, certain provisions of law, and for other purposes," which the Senate have this day passed, and respectfully ask the concurrence of the House in the same.

Also, to return to the House, "a bill to alter the terms of the court of chancery in the fourth and fifth circuits," which the Senate have passed with amendments, and respectfully ask the concurrence of the House in the same."

D. W. KELLOGG,

Secretary of the Senate.

The bill transmitted by the above message, was, upon the motion of Mr. Richardson, laid on the table, and made the special order for Thursday next; and,

On motion of Mr. Harding,

The bill returned by the above message, was laid on the table.

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, March 20, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate to inform the House of Representatives, that the Senate have refused to recede from their action had upon the House amendments to the Senate "bill to prescribe the powers and duties of justices of the peace in civil proceedings," and have appointed a committee of conference on their part, on said bill, consisting of Senators Wi-

therell, LeRoy and Fuller, and respectfully ask the House to appoint a like committee.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Richardson,

A committee to confer with the Senate committee, in relation to the disagreement on the "bill to prescribe the powers and duties of justices of the peace, in civil proceedings," was appointed on the part of the House, consisting of Messrs. Richardson, Hammond and Porter.

Mr. Richardson, pursuant to previous notice, and on leave, introduced the following bills, to wit: "a bill to provide for the purchase of the Detroit and Pontiac railroad, and for other purposes;" "a bill concerning the Detroit and Pontiac railroad;" which bills were twice read and referred to the committee on the judiciary.

Mr. Hawley laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby authorized to settle, equitably, the accounts and demands existing and unsettled between the state and Benjamin Porter and Amasa B. Gibson, late commissioners of the state prison, and each of them, including the demands against them, assigned to the state by the Michigan state bank, and to draw his warrant on the treasurer for the payment of such balance as he shall, on such adjustment and settlement, find equitably due them, or either of them, in favor of them or either of them, accordingly.

The House again resolved itself into committee of the whole on the "bill to reduce the price of university and school lands, and for other purposes;" Mr. Porter in the chair.

After some time, the committee rose and reported progress and obtained leave to sit again.

On motion of Mr. Cook, the House adjourned.

Tuesday, March 23, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, the members were all present except those absent on leave.

PETITIONS.

By Mr. Pierce. Of sixty-eight citizens of the county of Washtenaw, praying the legislature to take such measures as will finish and put in operation the Central railroad, to the village of Dexter, without delay. Referred to the committee on internal improvement.

Mr. Harding presented the claim of J. S. & S. A. Bagg. Referred to the committee on claims.

Mr. Dolson presented the claim of William B. Hunt, for services rendered the state. Referred to the committee on claims.

REPORTS.

Mr. Walker, from the committee on the judiciary, to which was referred the "bill amendatory to an act entitled 'An act for the preservation of railroads belonging to the state,' approved December 30, 1837," reported the same back to the House, which bill was then referred to the committee of the whole, and placed on the general order.

Mr. Richardson, from the same committee, to which was referred the Senate "bill to amend the charter of the city of Detroit," reported the same back to the House, with amendments; and the said bill was then referred to the committee of the whole, and placed on the general order.

Mr. G. Spencer, from the same committee, reported "a bill further to amend an act entitled 'An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes,' approved April 15, 1839;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Tinney, from the committee on enrolment, reported as correctly enrolled, "a bill to authorize the building of a certain dam therein named."

Mr. Hammond, (by Mr. Renwick,) pursuant to previous notice, asked and obtained leave to introduce "a bill imposing further duties upon the auditor general, and for other purposes;" which bill was twice read and referred to the committee of the whole, and placed on the general order.

Mr. Barlow, pursuant to previous notice, obtained leave to introduce "a bill to provide for the improvement of the navigation of the Kalamazoo river;" which bill was twice read and referred to the committee of the whole, and placed on the general order.

On motion of Mr. Hawley,

The "bill making further appropriation for continuing the building of the state prison," was made the special order of the day, for Friday next.

On motion of Mr. Hawley,

The House took up for consideration the resolution offered by him and laid on the table yesterday, authorizing the auditor general to make an equitable settlement with Benjamin Porter and Amasa B. Gibson, commissioners of the state penitentiary.

On motion of Mr. H. L. Miller,

The said resolution was then amended, by striking out the word "equitable," wherever it occurs in the same; and,

On his motion, the said resolution was then laid on the table.

RESOLUTIONS.

On motion of Mr. Wilcox,

Resolved, That the attorney general communicate to this House, what proceedings, (if any,) have been by him instituted against the bank of River Raisin, together with all other official information which he possesses, either as attorney general or bank commissioner, in regard to that institution, and its solvency.

On motion of Mr. Bingham,

Resolved, That the state treasurer be requested to communicate to this House, any information he may have received, relative to the payment of the future instalments of the five million loan, by the United States bank.

On motion of Mr. Pierce,

Resolved, That the committee on the judiciary be instructed to inquire if any further legislation is necessary, to compel township treasurers to enforce collector's bonds, when collectors have neglected or refused to do their duty, and report the same to this House, by bill or otherwise.

The Chair announced as the special order of the day, the "bill relative to the Palmyra and Jacksonburg railroad company;" and

On motion of Mr. Sprague,

The House resolved itself into committee of the whole on said bill; Mr. Castle in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments; which were concurred in by the House.

The said bill still being under consideration,

Mr. Brown moved to further amend the same, by adding thereto the following, to stand as

"Sec. 2. So much of the said railroad as shall be taken up, according to the first section of this act, shall never thereafter be relaid or used; and in case of any violation of this provision, the entire road shall be forfeited to the state."

Mr. Copeland moved to amend the amendment, by inserting after the word "used," the words "by said company;" pending which motion,

Mr. Cook moved to lay the whole subject on the table; which motion did not prevail.

Mr. Richardson then moved to postpone the further consideration of said bill, until to-morrow.

Mr. Smith moved to so amend the motion, as to postpone its consideration until this afternoon; which motion was decided in the affirmative.

The House then again resolved itself into committee of the whole on the "bill to reduce the price of university and school lands, and for other purposes;" Mr. Porter in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments; pending the consideration of which report,

On motion of Mr. M. Spencer, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Mr. Morton was absent without leave.

The House then resumed the consideration of the unfinished business of this morning, it being the subject under consideration when the House adjourned, to wit: the report of the committee of the whole, on the "bill to reduce the price of the university and school lands, and for other purposes."

The amendment to the first section being under consideration, to wit: filling the blanks in said section,

Mr. Metcalf moved to amend the amendment, by striking out "\$12 50," and inserting in lieu thereof "\$15;" which amendment did not prevail.

The amendment as reported by the committee, was then concurred in by the House.

The second amendment then being under consideration, to wit: striking out from said bill, sections two, three and four; it was concurred in by the House, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Renwick,
Mr. Bush,	Mr. Harding,	Mr. Root,
Mr. Castle,	Mr. Hawley,	Mr. Smith,
Mr. Clark,	Mr. Lamb,	Mr. M. Spencer,
Mr. Coates,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. H. L. Miller,	Mr. Sprague,
Mr. Curtis,	Mr. Olin,	Mr. Tinney,
Mr. Dolsen,	Mr. Philbrick,	Mr. Willits,
Mr. Drew,	Mr. Pierce,	Mr. Speaker,
Mr. Geddes,	Mr. Porter,	

29

NAYS.

Mr. Biddle,	Mr. Lee,	Mr. Rogers,
Mr. Bingham,	Mr. Leech,	Mr. Russell,
Mr. Brown,	Mr. Metcalf,	Mr. Strong,
Mr. Humphrey,	Mr. J. Miller,	Mr. Walker,
Mr. Larue,	Mr. Redfield,	Mr. Wilcox,

15

The third amendment then being under consideration, to wit: striking out the fifth section, and inserting other sections, to stand as sections two and three.

Mr. Porter moved to amend the same, by inserting the following after the word "purchaser," in the third section, to wit: "unless otherwise provided for by law, but in no case shall more than ten per cent per annum of principal, be required of the purchaser;" pending which,

Mr. Curtis moved that the bill be laid on the table; which motion did not prevail.

The question then recurring upon the adoption of the amendment of Mr. Porter, it was decided in the negative, by the following vote:

YEAS.

Mr. Biddle,	Mr. Geddes,	Mr. Porter,
Mr. Castle,	Mr. Gillett,	Mr. Renwick,
Mr. Cook,	Mr. Harding,	Mr. Smith,
Mr. Daniels,	Mr. Hawley,	Mr. G. Spencer,
Mr. Dolsen,	Mr. Mather,	Mr. Walker,
Mr. Drew,	Mr. H. L. Miller,	Mr. Wood,

18

NAYS.

Mr. Barlow,	Mr. Leech,	Mr. Russell,
Mr. Bingham,	Mr. Metcalf,	Mr. M. Spencer,
Mr. Brown,	Mr. J. Miller,	Mr. Sprague,
Mr. Bush,	Mr. Olin,	Mr. Stockton,
Mr. Clark,	Mr. Philbrick,	Mr. Strong,
Mr. Coates,	Mr. Pierce,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Wilcox,
Mr. Humphrey,	Mr. Richardson,	Mr. Willits,
Mr. Larue,	Mr. Rogers,	Mr. Speaker,
Mr. Lee,	Mr. Root,	

29

The question then recurring upon concurring in the amendment as reported by the committee, a division of the question was ordered, and the question to strike out prevailed.

And the question to insert was decided in the affirmative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Rogers,
Mr. Biddle,	Mr. Humphrey,	Mr. Root,
Mr. Brown,	Mr. Lamb,	Mr. Russell,
Mr. Bush,	Mr. Lee,	Mr. Smith,
Mr. Castle,	Mr. Leech,	Mr. Stockton,
Mr. Clark,	Mr. Mather,	Mr. Strong,
Mr. Coates,	Mr. Metcalf,	Mr. Tinney,
Mr. Curtis,	Mr. Olin,	Mr. Wilcox,

Mr. Daniels,	Mr. Philbrick,	Mr. Willits,	
Mr. Dolsen,	Mr. Pierce,	Mr. Speaker,	
Mr. Drew,			31

NAYS.

Mr. Bingham,	Mr. H. L. Miller,	Mr. M. Spencer,	
Mr. Cook,	Mr. Porter,	Mr. G. Spencer,	
Mr. Geddes,	Mr. Redfield,	Mr. Sprague,	
Mr. Harding,	Mr. Renwick,	Mr. Walker,	
Mr. Larue,	Mr. Richardson,	Mr. Wood,	
Mr. J. Miller,			16

The amendments reported by the committee of the whole, having been concurred in by the House, and the bill being still under consideration,

Mr. Leech moved to further amend the same, by adding the following to the fifth section, to wit:

“ And upon the resale of forfeited lands, the person or persons forfeiting said lands, or his or their heirs, being residents thereon, upon a subsequent purchase by him or them, of the same lands, shall have deducted from the amount bid, one-half the value of the improvements by said purchasers made, previous to forfeiture: *Provided*, such deduction does not reduce the price below the minimum price.”

Which amendment was rejected by the following vote:

YEAS.

Mr. Bingham,	Mr. Larue,	Mr. J. Miller,	
Mr. Brown,	Mr. Lee,	Mr. Olin,	
Mr. Curtis,	Mr. Leech,	Mr. M. Spencer,	
Mr. Humphrey,	Mr. Metcalf,	Mr. Stockton,	12

NAYS.

Mr. Barlow,	Mr. Gillett,	Mr. Root,	
Mr. Biddle,	Mr. Harding,	Mr. Russell,	
Mr. Bush,	Mr. Hawley,	Mr. Smith,	
Mr. Castle,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Clark,	Mr. Mather,	Mr. Sprague,	
Mr. Coates,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Cook,	Mr. Philbrick,	Mr. Tinney,	
Mr. Copeland,	Mr. Pierce,	Mr. Walker,	
Mr. Daniels,	Mr. Porter,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Renwick,	Mr. Willits,	
Mr. Drew,	Mr. Richardson,	Mr. Wood,	
Mr. Geddes,	Mr. Rogers,	Mr. Speaker,	36

Mr. Curtis then offered the following, to stand as an additional section to said bill, to wit:

"The superintendent is authorized to make new contracts with the purchasers of university or school lands, upon the payment of twenty per cent interest on the purchase, conditioned that they shall not be obliged to pay any further principal so long as they continue to pay the interest by the first of March for each and every year."

Which amendment was not adopted.

The said bill was then ordered engrossed for a third reading.

On motion, the "bill relative to the Palmyra and Jacksonburg railroad company," was recommitted to the committee of the whole; and

The House then again resolved itself into committee of the whole, on said bill, Mr. Castle in the chair.

After some time spent thereon, the committee rose, and reported the same back to the House with sundry amendments; which were concurred in by the House.

The said bill being still under consideration,

On motion of Mr. Strong,

The following proviso was added to the first section, to wit:

"*Provided, also,* That it shall not be lawful for said company or its assignees ever to construct the said Palmyra and Jacksonburg railroad southwardly beyond the Southern railroad, so as to connect with the Erie and Kalamazoo railroad."

After some discussion, the said bill was then ordered to a third reading, by the following vote:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Clark,
Mr. Coates,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Hawley,
Mr. Humphrey,

Mr. Larue,
Mr. Lee,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Porter,
Mr. Redfield,
Mr. Russell,
Mr. Smith,
Mr. Sprague,

Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

NAYS.

Mr. Biddle,	Mr. Gillett,	Mr. Pierce,	
Mr. Brown,	Mr. Harding,	Mr. Renwick,	
Mr. Bush,	Mr. Lamb,	Mr. Richardson,	
Mr. Castle,	Mr. Leech,	Mr. Rogers,	
Mr. Cook,	Mr. Mather,	Mr. Root,	
Mr. Curtis,	Mr. J. Miller,	Mr. M. Spencer,	
Mr. Dolsen,	Mr. Olin,	Mr. G. Spencer,	
Mr. Geddes,	Mr. Philbrick,	Mr. Tinney,	24

On motion of Mr. Clark, the House then adjourned.

Wednesday, March 24, 1841.

The House met pursuant to adjournment.

The roll being called, Mr. Morton was absent without leave.

Mr. Redfield again obtained leave of absence for Mr. Hammond, for one day, on account of indisposition.

Mr. Humphrey presented the claim of J. S. Bond, for services rendered the state. Referred to the committee on claims.

Mr. Barlow, from the minority of the select committee on apportionment, reported "a bill to apportion anew the representatives and senators among the several counties and districts of this state;" which bill was twice read and referred to the committee of the whole, and placed on the general order.

And the Senate "bill to apportion anew the representatives and senators among the several counties and districts of this state," was then taken up from the table and referred to the committee of the whole, and placed on the general order.

Mr. Gillett, from the committee on enrolment, reported as correctly enrolled, "An act to organize a school district in the city of Detroit."

The Chair announced a communication from the state treasurer, in reply to the resolution adopted yesterday, requiring him to communicate to the House of Representatives, such information as he may possess relative to the payment of the future instalments of the five million loan, due from the Uni-

ted States bank of Pennsylvania; which communication having been read, was laid on the table and ordered printed.

(*See Document, No. 75.*)

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, March 23, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform the House, that, in compliance with the request of the House, the Senate have appointed a committee of conference on their part, on the “bill in relation to the university and primary school fund;” and that said committee consists of Senators Fuller, Adam and Murphy.

Also, I am directed by the Senate to inform you, that the Senate have concurred in the House substitute to Senate “bill relative to the sale of real and personal estate on execution.”

D. W. KELLOGG,
Secretary of the Senate.

The Chair also announced the following, by the same, from the Senate:

SENATE CHAMBER,
Tuesday, March 23, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate, to return to the House, “a joint resolution relative to the Southern railroad;” which the Senate has this day passed with an amendment, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

Mr. Strong moved to commit the resolution returned by the above message, to the committee on internal improvement.

Mr. G. Spencer moved to lay the said resolution on the table; which motion did not prevail.

The question recurring upon Mr. Strong’s motion to commit, he withdrew the same.

The question then being upon concurring in the amendment of the Senate, made to said resolution,

Mr. Porter moved to amend the same, by adding the following thereto, to wit:

"Provided further, That the commissioners are hereby expressly inhibited from letting any contracts between Hillsdale and Jonesville, unless the appropriation heretofore made, shall be adequate to the completion of said road to Jonesville."

And some discussion ensuing thereon,

Mr. Cook moved the previous question; which motion was not sustained; and,

The question then recurring upon Mr. Porter's amendment, it was decided in the negative, as follows:

YEAS.

Mr. Brown,	Mr. Hawley,	Mr. Porter,	
Mr. Castle,	Mr. Humphrey,	Mr. Russell,	
Mr. Cook,	Mr. Lamb,	Mr. Smith,	
Mr. Copeland,	Mr. Larue,	Mr. G. Spencer,	
Mr. Dolsen,	Mr. Leech,	Mr. Sprague,	
Mr. Drew,	Mr. Mather,	Mr. Wood,	
Mr. Gillett,	Mr. J. Miller,	Mr. Speaker,	
Mr. Harding,	Mr. H. L. Miller,		23

NAYS.

Mr. Bingham,	Mr. Metcalf,	Mr. M. Spencer,	
Mr. Bush,	Mr. Olin,	Mr. Stockton,	
Mr. Clark,	Mr. Philbrick,	Mr. Strong,	
Mr. Coates,	Mr. Pierce,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Tyler,	
Mr. Daniels,	Mr. Renwick,	Mr. Walker,	
Mr. Geddes,	Mr. Richardson,	Mr. Wilcox,	
Mr. Lee,	Mr. Rogers,	Mr. Willits,	24

And the House then refused to concur in the Senate amendment to said resolution, by the following vote:

YEAS.

Mr. Biddle,	Mr. Hawley,	Mr. Russell,	
Mr. Castle,	Mr. Lamb,	Mr. Smith,	
Mr. Cook,	Mr. Leech,	Mr. G. Spencer,	
Mr. Dolsen,	Mr. Mather,	Mr. Sprague,	
Mr. Drew,	Mr. H. L. Miller,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Wood,	
Mr. Harding,			19

NAYS.

Mr. Barlow,	Mr. Larue,	Mr. Rogers,
Mr. Bingham,	Mr. Lee,	Mr. Root,

Mr. Brown,	Mr. Metcalf,	Mr. M. Spencer,
Mr. Bush,	Mr. J. Miller,	Mr. Stockton,
Mr. Clark,	Mr. Olin,	Mr. Strong,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Copeland,	Mr. Pierce,	Mr. Tyler,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Daniels,	Mr. Renwick,	Mr. Willits,
Mr. Gillett,	Mr. Richardson,	Mr. Speaker,
Mr. Humphrey,		

31

On motion of Mr. G. Spencer,

The House took up from the table the special message of the executive, of the 2d instant, transmitting a certain report and resolutions concerning the public lands, passed by the general assembly of Indiana.

And the same was, on his motion, then referred to a select committee of three; and the Chair announced as such committee, Messrs. G. Spencer, H. L. Miller, and Humphrey.

On motion of Mr. Larue,

The House took up for consideration, the joint resolution reported by him from the committee on claims, on the 17th instant, relative to a settlement with the Lake Erie and River Raisin railroad company.

Mr. Castle moved to amend the same, by striking out all after the enacting clause, and inserting the following in lieu thereof, to wit:

“ That whenever the River Raisin and Lake Erie railroad company shall quit claim to said state, by deed, to be drawn by the attorney general, all their right, title and interest, to said railroad, from its intersection with the Southern railroad, in the city of Monroe, to its termination, at La Plaisance bay, and also relinquish all claim for damages that have accrued, or that may hereafter accrue, by reason of the location and use of the said Southern railroad; that then, in that case, the auditor general is hereby authorized and required to draw warrants in favor of said company, or their legal assignee or assignees, for the several instalments of interest, which will fall due on the warrants heretofore drawn and paid for the purchase of said road, under the act of 1840, for that purpose; the new warrants to be for the same amount of interest as the

state is now entitled to receive on the existing warrants, and payable at the several times when the instalments to the state fall due."

"Resolved, further, That the commissioners aforesaid be, and they are hereby required to perfect a settlement with said company, according to the true intent and meaning of an act entitled "An act to provide for a settlement with the River Raisin and Lake Erie railroad company," and the act therein referred to; and in case of disagreement between the said commissioners and the said company, or their authorized agent, as to the construction of said acts, then the construction of the same shall be referred to the decision of the supreme court of the state of Michigan, next to be holden in and for the first circuit, whose opinion shall be certified by the clerk of said court, to said commissioners, and shall be conclusive, on said commissioners, as to the construction of said acts, and their duties under the same."

On motion of Mr. Walker,

The resolution and amendment were laid on the table.

The "bill to reduce the price of university and school lands, and for other purposes," was then read a third time and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Rogers,
Mr. Biddle,	Mr. Hawley,	Mr. Root,
Mr. Bingham,	Mr. Humphrey,	Mr. Russell,
Mr. Brown,	Mr. Lamb,	Mr. Smith,
Mr. Bush,	Mr. Larue,	Mr. G. Spencer,
Mr. Castle,	Mr. Lee,	Mr. Sprague,
Mr. Clark,	Mr. Leech,	Mr. Stockton,
Mr. Coates,	Mr. Mather,	Mr. Strong,
Mr. Cook,	Mr. Metcalf,	Mr. Tinney,
Mr. Copeland,	Mr. J. Miller,	Mr. Tyler,
Mr. Curtis,	Mr. Pierce,	Mr. Wilcox,
Mr. Daniels,	Mr. Redfield,	Mr. Willits,
Mr. Dolsen,	Mr. Renwick,	Mr. Speaker,
Mr. Drew,		

40

NAYS.

Mr. Geddes,	Mr. H. L. Miller,	Mr. M. Spencer,
Mr. Harding,	Mr. Porter,	Mr. Walker,

6

The "bill relative to the Palmyra and Jacksonburg railroad company," was then read a third time; and the question being upon its passage, pending which,

Mr. Bingham moved to adjourn; which motion did not prevail.

Mr. Pierce then moved a call of the House; which motion was sustained; and,

The roll being called, Messrs. Morton and Richardson were absent without leave.

Mr. Harding asked and obtained leave of absence for Mr. Morton.

On motion of Mr. Cook,

The sergeant-at-arms was directed to bring into the House, Mr. Richardson.

Mr. Copeland moved to dispense with the further proceedings under the call; which motion was decided in the negative, by the following vote:

YEAS.

Mr. Biddle,	Mr. Lee,	Mr. Smith,	
Mr. Copeland,	Mr. Olin,	Mr. M. Spencer,	
Mr. Drew,	Mr. Rogers,	Mr. Stockton,	
Mr. Hawley,	Mr. Root,	Mr. Wood,	
Mr. Humphrey,	Mr. Russell,	Mr. Speaker,	15

NAYS.

Mr. Barlow,	Mr. Gillett,	Mr. Porter,	
Mr. Bingham,	Mr. Harding,	Mr. Redfield,	
Mr. Brown,	Mr. Lamb,	Mr. Renwick,	
Mr. Bush,	Mr. Larue,	Mr. G. Spencer,	
Mr. Castle,	Mr. Leech,	Mr. Sprague,	
Mr. Clark,	Mr. Mather,	Mr. Strong,	
Mr. Coates,	Mr. Metcalf,	Mr. Tinney,	
Mr. Cook,	Mr. J. Miller,	Mr. Tyler,	
Mr. Curtis,	Mr. H. L. Miller,	Mr. Walker,	
Mr. Daniels,	Mr. Philbrick,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,	
Mr. Geddes,			34

Mr. Pierce moved to adjourn; which motion was decided in the negative.

The sergeant-at-arms having announced the presence of Mr. Richardson,

On motion of Mr. Bingham,

The further proceedings under the call were dispensed with.

The question then recurring upon the passage of said bill, it was decided in the affirmative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Stockton,
Mr. Bingham,	Mr. Larue,	Mr. Strong,
Mr. Clark,	Mr. Lee,	Mr. Tyler,
Mr. Coates,	Mr. Metcalf,	Mr. Walker,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Wilcox,
Mr. Daniels,	Mr. Redfield,	Mr. Willits,
Mr. Drew,	Mr. Russell,	Mr. Wood,
Mr. Harding,	Mr. Smith,	Mr. Speaker,
Mr. Hawley,	Mr. Sprague,	

26

NAYS.

Mr. Biddle,	Mr. Gillett,	Mr. Porter,
Mr. Brown,	Mr. Lamb,	Mr. Renwick,
Mr. Bush,	Mr. Leech,	Mr. Richardson,
Mr. Castle,	Mr. Mather,	Mr. Rogers,
Mr. Cook,	Mr. J. Miller,	Mr. Root,
Mr. Curtis,	Mr. Olin,	Mr. M. Spencer,
Mr. Dolsen,	Mr. Philbrick,	Mr. G. Spencer,
Mr. Geddes,	Mr. Pierce,	Mr. Tinney,

24

The preamble of said bill being under consideration,

On motion of Mr. Bingham, it was stricken out, by the following vote:

YEAS.

Mr. Barlow,	Mr. Larue,	Mr. Russell,
Mr. Bingham,	Mr. Lee,	Mr. Sprague,
Mr. Brown,	Mr. Leech,	Mr. Stockton,
Mr. Bush,	Mr. Metcalf,	Mr. Tyler,
Mr. Castle,	Mr. J. Miller,	Mr. Walker,
Mr. Clark,	Mr. Philbrick,	Mr. Wilcox,
Mr. Coates,	Mr. Redfield,	Mr. Willits,
Mr. Copeland,	Mr. Rogers,	Mr. Wood,
Mr. Humphrey,	Mr. Root,	Mr. Speaker,

27

NAYS.

Mr. Cook,	Mr. Hawley,	Mr. Renwick,
Mr. Curtis,	Mr. Mather,	Mr. Richardson,
Mr. Dolsen,	Mr. H. L. Miller,	Mr. M. Spencer,
Mr. Drew,	Mr. Olin,	Mr. G. Spencer,
Mr. Geddes,	Mr. Pierce,	Mr. Strong,
Mr. Gillett,	Mr. Porter,	Mr. Tinney,
Mr. Harding,		

19

The title of said bill then being under consideration,

Mr. Pierce offered the following as a substitute therefor, to wit:

“ A bill to give the Palmyra and Jacksonburg railroad company, twenty-two thousand dollars of the funds of this state.”

Which substitute was not adopted.

Mr. Lamb moved to adjourn; which motion did not prevail; and the question recurring upon the adoption of the title to said bill,

Mr. Curtis offered the following as a substitute therefor, to wit:

“ A bill to give to the Palmyra and Jacksonburg railroad company, twenty-two thousand one hundred dollars of the funds of this state, in the opinion of the gentleman moving the amendment.”

Which substitute was rejected; and the title of said bill was then adopted.

On motion of Mr. Lee, the House then adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Mr. Tyler was absent without leave.

The Chair announced as the special order of the day, the “ bill to provide for the anticipation of certain instalments of the \$5,000,000 loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement;” and,

On motion of Mr. G. Spencer,

The House resolved itself into committee of the whole on said bill; Mr. Coates in the chair.

After some time spent thereon, the committee rose, and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Metcalf, the House adjourned.

Thursday, March 25, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, the members were all present except those absent on leave.

Mr. Sprague, from the committee on education, to which was referred the Senate "bill to amend the several acts in relation to the university and its branches," reported the same back to the House, and recommended its passage. And the said bill was then referred to the committee of the whole and placed on the general order.

Mr. Lamb, from the select committee to which was referred the petition of sundry inhabitants of the county of Lapeer, praying that existing laws imposing a license on venders of ardent spirits, may be abolished, and that the sale and use of ardent spirits may be prohibited, submitted a report thereon, accompanied by the following resolution, to wit:

Resolved, That the committee on ways and means be, and they are hereby instructed, as soon as practicable, to report to this House a bill, in which shall be embraced provisions increasing the amount required by existing laws, of venders and distillers of ardent spirits, as a license for the selling of the article, so as to diminish its use, and afford additional aid and income to the revenue of the state.

Mr. Walker moved to amend the same, by striking out all between the words "practicable," and "increasing," and by the words, "to inquire into the expediency of," in lieu thereof; which motion prevailed.

The resolution, as amended, was then adopted.

Mr. Walker moved that the report be laid on the table and printed.

Mr. Strong moved to so amend the same, as to order double the usual number printed; which motion did not prevail.

The question recurring upon the motion of Mr. Walker, it was decided in the affirmative.

(See Document, No. 76.)

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, March 24, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate to return to the House “a bill to provide for the taxing of costs in the circuit court;” which was lost in the Senate.

Also, to return the “bill regulating the holding of courts in Shiawassee county;” which the Senate have concurred in and passed.

Also, to transmit “a bill to extend the boundary lines of certain townships therein named;” which the Senate have this day passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message, was twice read and referred to the committee on towns and counties.

Mr. Redfield obtained the unanimous consent of the House, to introduce “a bill to amend an act, entitled ‘An act to provide for the payment of amounts due the several counties, on account of delinquent taxes,’ approved March 30, 1840;” which bill was twice read, referred to the committee on ways and means.

Mr. Russell, pursuant to previous notice, obtained leave to introduce “a bill to grant aid in connecting the public works of Michigan with those of Ohio, and for other purposes.” The bill was twice read and referred to the committee on ways and means.

On motion of Mr. Hawley,

The joint resolution authorizing the auditor general to settle with Benjamin Porter and Amasa B. Gibson, was taken up and referred to the committee on claims.

On motion of Mr. Castle,

The House took up from the table the joint resolution, reported by the committee on claims, “relative to the River Raisin and Lake Erie railroad company;” and the question being upon the adoption of the amendment offered by Mr. Castle, yesterday,

He then withdrew the last clause of said amendment; and the first clause of said amendment was then rejected, by the following vote:

YEAS.

Mr. Biddle,	Mr. Geddes,	Mr. Sprague,
Mr. Brown,	Mr. Lamb,	Mr. Stockton,
Mr. Castle,	Mr. Russell,	Mr. Strong,
Mr. Drew,	Mr. Smith,	Mr. Tyler,

12**NAYS.**

Mr. Barlow,	Mr. Humphrey,	Mr. Redfield,
Mr. Bingham,	Mr. Larue,	Mr. Rogers,
Mr. Bush,	Mr. Lee,	Mr. Root,
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,
Mr. Coates,	Mr. Mather,	Mr. G. Spencer,
Mr. Copeland,	Mr. Metcalf,	Mr. Tinney,
Mr. Curtis,	Mr. H. L. Miller,	Mr. Walker,
Mr. Daniels,	Mr. Olin,	Mr. Wilcox,
Mr. Dolsen,	Mr. Philbrick,	Mr. Willits,
Mr. Gillett,	Mr. Pierce,	Mr. Wood,
Mr. Harding,	Mr. Porter,	Mr. Speaker,

33

The question then recurring upon the adoption of the resolution, the same was decided in the affirmative.

The House then again resolved itself into committee of the whole on the "bill to provide for the anticipation of certain instalments of the five million loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement;" Mr. Coates in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with amendments; which were all concurred in, except the amendment filling the blank in the sixth section with the word "five," which was non-concurred in; and the said blank was then filled with the word "four."

And the said bill being under consideration,

Mr. Walker moved to further amend the same, by adding the following proviso, to the first section, to wit:

"And provided, also, That the auditor general is required to take no action whatever, under the provisions herein contained, until the next April instalment of the five million loan, due from the United States bank, shall be paid;" pending which,

On motion of Mr. Metcalf, the House adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Renwick and Tyler were absent without leave.

The House resumed the unfinished business of this morning, it being the question pending when the House adjourned, to wit: the amendment proposed by Mr. Walker to the first section of the "bill to provide for the anticipation of certain instalments of the \$5,000,000 loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement."

Mr. Walker then withdrew his said amendment.

Mr. Biddle then moved to amend said bill, by striking out all of section four, preceding the proviso in said section, and inserting the following in lieu thereof, to wit:

"Sec. 4. That all persons holding evidences of debt from the auditor general of this state, given on account of work done on any of the works of internal improvement, may, at their option, receive from the treasurer, an amount of the treasury notes before provided for, equal to the amount specified in such evidences of debt, in full satisfaction of the same; and all sums which may be founded upon claims hereafter audited and allowed on account of contracts and other engagements on said works of internal improvement, or otherwise, heretofore made according to law, may, if the claimants so elect, be paid by the treasurer in said treasury notes: *Provided*, That if the amount of treasury notes herein authorized to be issued, shall exceed the amount payable as is provided for in this section, the balance of said treasury notes shall be held by the treasurer, subject to the future directions of the legislature."

Which amendment prevailed, by the following vote:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,

Mr. Gillett,
Mr. Hawley,
Mr. Lee,
Mr. Leech,

Mr. Richardson,
Mr. Root,
Mr. Stockton,
Mr. Strong,

Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Drew,

Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,

Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

25

NAYS.

Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Harding,
Mr. Humphrey,
Mr. Lamb,

Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Olin,
Mr. Pierce,
Mr. Rogers,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Wilcox,
Mr. Willits,

22

Mr. Walker then renewed his amendment to the first section of said bill; which was rejected, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,

Mr. Lamb,
Mr. Leech,
Mr. Philbrick,
Mr. Redfield,

Mr. Richardson,
Mr. Root,
Mr. Tinney,
Mr. Walker,

13

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,

Mr. Humphrey,
Mr. Larue,
Mr. Lee,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Pierce,
Mr. Porter,
Mr. Rogers,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

38

Mr. Hawley moved a reconsideration of the vote adopting the amendment proposed by Mr. Biddle, to the fourth section; which motion prevailed, by the following vote:

YEAS.

Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,

Mr. Olin,
Mr. Pierce,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,

Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. J. Miller,
Mr. Morton,

Mr. Wilcox;
Mr. Willits,

25

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Drew,

Mr. Lee,
Mr. Leech,
Mr. H. L. Miller,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,
Mr. Rogers,

Mr. Root,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

22

Mr. Harding moved to adjourn; which motion did not prevail; the question then recurring upon the adoption of Mr. Biddle's amendment, it was decided in the affirmative, as follows:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Drew,

Mr. Lamb,
Mr. Lee,
Mr. Leech,
Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,
Mr. Rogers,

Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

26

NAYS.

Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Humphrey,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,

Mr. Olin,
Mr. Pierce,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Walker,
Mr. Willits,

22

On motion of Mr. Lamb, the House adjourned.

Friday, March 26, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Hammond and Tyler were absent without leave.

Mr. Lamb asked and obtained leave of absence for Mr. Tyler, for an indefinite period, on account of indisposition.

Mr. Redfield for Mr. Hammond, for the same reason.

PETITIONS.

Mr. Hawley presented the petition of William Ford and Son, relative to a contract for furnishing iron for the state prison; also, the claim of Samuel H. Kimball, for services rendered the state, as attorney. Both referred to the committee on claims.

REPORTS.

Mr. Copeland, from the committee on towns and counties, to which was referred the Senate "bill to extend the boundary lines of certain townships therein named;" reported the same back to the House, recommending its passage, and the bill was referred to the committee of the whole.

On motion of Mr. Copeland,

The committee of the whole was discharged from its further consideration, and the same was taken up in the House; and on his motion, the twenty-second rule was suspended, that said bill might then be read a third time, and the said bill was then read a third time and passed.

Mr. Barlow, from the committee on banks and incorporations, to which was referred a resolution relative to the Michigan insurance company; reported that in the opinion of the committee, no further legislation in the premises, was necessary; and on his motion, the committee was discharged from the further consideration of the matter.

The same, from the same committee, to which was referred the petition of inhabitants of Jackson county, praying the legislature to grant a further suspension to the banks; reported the same back to the House, and asked to be discharged from

its further consideration, a report having been made on the subject, and the committee were discharged accordingly.

Mr. Smith, from the select committee to which was referred certain resolutions proposing a change in the constitution of the state, so as to authorize biennial, instead of annual, sessions of the legislature, submitted a report thereon;

(See Document, No. 77.)

Which was laid on the table, and ordered printed, and the joint resolutions were referred to the committee of the whole, and placed on the general order.

Mr. Gillett, from the committee on enrolment, reported as correctly enrolled, the following bills: "An act to amend an act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834;" "An act in relation to the duties of county commissioners, in certain cases;" "An act regulating the holding of courts in Shiawassee county."

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

1st. "An act to amend an act entitled 'An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes.'"

2d. "An act to authorize the building of a certain dam therein named."

3d. "An act defining the place of holding the next annual township meeting of the township of Woodbridge, in the county of Hillsdale."

Also, "a preamble and joint resolution relative to a survey of certain harbors."

J. WRIGHT GORDON.

Executive Office, March 24, 1841.

The Chair also announced a communication from the attorney general, in reply to a resolution adopted on the 23d instant,

relative to the condition of the bank of River Raisin; which was read, laid on the table and ordered printed.

(See Document, No. 78.)

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Thursday, March 25, 1841. }

To the Speaker of the House of Representatives:

SIR—I have the honor herewith to return to the House, by order of the Senate, three several bills, entitled:

1st. “To incorporate the Adrian church association.”

2d. “To amend an act entitled ‘An act to provide for the sale of certain lands to the settlers thereon, and for other purposes,’ approved March 25, 1840, and to extend the provisions thereof to persons in this act named.”

3d. “Authorizing the expenditure of five thousand dollars of the appropriation heretofore made for the construction of the Saginaw canal on the Saginaw turnpike, and for other purposes;” all of which the Senate have this day concurred in and passed.

D. W. KELLOGG,
Secretary of the Senate.

The Chair also announced the following, by the same, from the Senate:

SENATE CHAMBER,
Thursday, March 25, 1841. }

To the Speaker of the House of Representatives:

SIR—Agreeably to directions of the Senate, I herewith return the “bill to regulate the business of brokers and exchange dealers,” which the Senate have this day passed with amendments, in which the concurrence of the House is respectfully asked.

I am further directed to inform the House, that the Senate insist on their amendment to the “joint resolution relative to the Southern railroad,” and have appointed a committee of conference on their part, on said resolution, consisting of Se-

nators Champlin, Gidley, and Witherell, and respectfully ask the appointment of a like committee on the part of the House.

I am instructed, also, to return the "preamble and joint resolution, relative to the appropriation upon the Northern railroad;" which the Senate have passed with sundry amendments, in which the concurrence of the House is respectfully requested.

D. W. KELLOGG,
Secretary of the Senate.

The House then concurred in the amendment made by the Senate to the bill and joint resolution returned by the above message, and the same were accordingly ordered enrolled; and,

On motion of Mr. Metcalf,

A committee of conference was appointed on the part of the House, to confer with the committee on the part of the Senate, in relation to the existing disagreement on the "joint resolution relative to the Southern railroad," consisting of Messrs. Metcalf, Redfield, and Porter.

On motion of Mr. Geddes,

The House took up from the table the Senate "joint resolution to provide for binding the manuscript journals of the Senate and House of Representatives;" and the same was then considered and adopted.

On motion of Mr. Wood,

The House then took up the "joint resolutions relative to the unauthorized and forcible interruption, by the troops of the United States, of the public works at the Saut de Ste Marie;" and the same were then considered and adopted.

Mr. Richardson obtained the unanimous consent of the House to introduce "a bill relative to a certain amendment of the revised statutes, entitled 'of primary schools;'" which was twice read, referred to the committee of the whole, and placed on the general order.

On motion of Mr. M. Spencer,

Resolved, That the auditor general be, and he is hereby directed to communicate to this House forthwith, a statement

which shall exhibit the amount of bank notes now held by the treasurer, accruing from taxes and from all other sources whatsoever; stating the amount upon each bank separately; also, the amount of money now standing to the credit of the treasury in banks, either in this or other states, designating the banks and the sums by them respectively held.

On motion of Mr. Richardson,

Resolved, That the committee on internal improvement be instructed to inquire whether any further provisions of law are needed, in order that the cars and other property of the state, connected with the railroads and other works of internal improvement, may be protected from the weather; to report by bill or otherwise.

The House then took up the unfinished business of yesterday, it being the question pending when the House adjourned, to wit:

Upon ordering to a third reading, the "bill to provide for the anticipation of certain instalments of the five million loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement."

Mr. Coates then moved to further amend the sixth section of said bill, by inserting after the word "payment," in the third line, the words, "at the option of the holders of said notes;" which amendment did not prevail.

He then moved to amend the same by inserting the following in the same place, to wit:

"In the same money he shall receive on the several instalments of the five million loan;" which amendment was also rejected.

Mr. Coates then moved to insert the following after the words "fifty dollars," in the fourth line of the first section, to wit:

"On said plates there shall be engraved the representation of a log cabin and cider barrel, and they shall be headed with the following motto:

"With Tip and Tyler,
We'll burst Van's boiler."

Mr. Castle moved to amend the amendment, by adding the following thereto, to wit:

“Accompanied by a portrait of the mover of this amendment, represented as sucking at the tap;” which amendment was adopted.

The question then recurring upon the amendment as amended, it was lost, as follows:

YEAS.

Mr. Bingham,
Mr. Castle,
Mr. Cook,

Mr. Curtis,
Mr. Dolsen,
Mr. Lamb,

Mr. Leech,
Mr. Rogers,
Mr. Wood,

9

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,
Mr. Humphrey,

Mr. Larue,
Mr. Lee,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,

Mr. Renwick,
Mr. Richardson,
Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

37

Mr. Curtis then moved to add the following to the first section of said bill, to wit:

“Which notes shall be negotiable only by special endorsement, by and to each person through whose hands they may pass, subject to the same rules and restrictions as inland bills of exchange, payable to order, but without the liability of the indorser;” which amendment was not adopted.

Mr. H. L. Miller then moved to strike out in second line of section five, the words “taxes and,” and the word “state,” and add the words, “the internal improvement fund of the state;” which amendment did not prevail.

Mr. Humphrey moved to add the following proviso to the fourth section, to wit:

“*Provided, always,* That the claims first due, if the same can be ascertained, shall be paid by the scrip or drafts drawn on the instalments first payable.”

Mr. Castle moved to amend the amendment, by adding the following thereto, to wit:

“If presented, and not otherwise;” which amendment did not prevail.

The question then recurring upon the amendment proposed by Mr. Humphrey, it was decided in the negative, as follows:

YEAS.

Mr. Bingham,	Mr. Philbrick,	Mr. Stockton,
Mr. Bush,	Mr. Redfield,	Mr. Tinney,
Mr. Clark,	Mr. Richardson,	Mr. Walker,
Mr. Curtis,	Mr. Russell,	Mr. Wood,
Mr. Humphrey,	Mr. Smith,	Mr. Speaker,
Mr. Lecch,		

16

NAYS.

Mr. Barlow,	Mr. Gillett,	Mr. Porter,
Mr. Biddle,	Mr. Harding,	Mr. Renwick,
Mr. Brown,	Mr. Hawley,	Mr. Rogers,
Mr. Castle,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Larue,	Mr. M. Spencer,
Mr. Copeland,	Mr. Lee,	Mr. G. Spencer,
Mr. Daniels,	Mr. Mather,	Mr. Sprague,
Mr. Dolsen,	Mr. Metcalf,	Mr. Wilcox,
Mr. Drew,	Mr. H. L. Miller,	Mr. Willits,
Mr. Geddes,	Mr. Pierce,	

29

Mr. H. L. Miller moved to strike out, in the proviso of the fourth section, all after the words “treasury notes,” as last used in said proviso, and insert the following, to wit:

“May be used in payment for contracts, by the commissioners of internal improvement, under the appropriations made by the present legislature;” which amendment was lost.

Mr. Smith then moved that the bill be committed to the select committee, with instructions to ascertain whether the bill provides, in the simplest and plainest manner, for the following:

First. If the instalments on the loan be met, then the treasury notes to be issued to anticipate the instalment to include April, 1842, and such notes to be applied first to the payment of existing debts of the state, and debts to become due on contracts now existing.

Second. If the instalments be not met, then the amount of the notes to be provided for in some other mode; and the

amount to be issued, to be only sufficient to cover the debts and contracts, as aforesaid.

Third. Only in case of the instalments being met, shall one cent of such notes be issued, more than enough to meet said liabilities.

If the bill do not cover the above propositions, the committee are instructed to make it cover them, and nothing more; which motion did not prevail.

Mr. Coates then moved to adjourn, which motion was negatived; after some discussion,

Mr. Bingham moved to adjourn, which motion was decided in the negative; and after some further discussion,

Mr. Redfield moved to adjourn; which motion did not prevail.

The said bill was then ordered engrossed for a third reading, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Porter,
Mr. Biddle,	Mr. Harding,	Mr. Renwick,
Mr. Brown,	Mr. Hawley,	Mr. Rogers,
Mr. Castle,	Mr. Lamb,	Mr. Sprague,
Mr. Cook,	Mr. Larue,	Mr. Stockton,
Mr. Copeland,	Mr. Metcalf,	Mr. Wilcox,
Mr. Daniels,	Mr. J. Miller,	Mr. Willits,
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Speaker,
Mr. Geddes,	Mr. Pierce,	

26

NAYS.

Mr. Bingham,	Mr. Curtis,	Mr. Richardson,
Mr. Bush,	Mr. Lee,	Mr. Tinney,
Mr. Coates,	Mr. Leech,	Mr. Walker,

9

On motion of Mr. Metcalf, the House then adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Lamb and Larue were absent without leave.

The Chair presented the proceedings of a meeting, of inhabitants of Lapeer county, on the subject of the manner of paying delinquent taxes. Referred to the committee on ways and means.

On motion of Mr. Brown,

The committee of the whole was discharged from Senate "bill (special order for yesterday,) suspending for a limited time, certain provisions of law, and for other purposes;" and the same having been taken up for consideration,

On motion of Mr. Brown, the said bill was then laid on the table.

The Chair announced as the special order of the day, the "bill making further appropriations for continuing the building of the state prison;" and the House then resolved itself into committee of the whole, on said bill; Mr. Leech in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with amendments, which were concurred in by the House.

On motion of Mr. Richardson,

Said bill was further amended, by striking out the second section.

On motion of Mr. Richardson,

The following were then adopted, as additional sections of said bill, to wit:

"Sec. 2. That the office of building commissioner of the state prison be, and the same is hereby abolished.

"Sec. 3. That the duties heretofore devolving upon the said office of commissioner, shall hereafter be done and performed by the agent of said prison.

"Sec. 4. This act shall take effect and be in force from and after its passage."

Mr. Hawley moved a reconsideration of the vote just taken; which motion was decided in the negative, as follows:

YEAS.

Mr. Copeland,	Mr. Hawley,	Mr. Russell,	
Mr. Dolsen,	Mr. Humphrey,	Mr. Smith,	
Mr. Drew,	Mr. Mather,	Mr. Sprague,	
Mr. Gillett,	Mr. H. L. Miller,	Mr. Stockton,	
Mr. Harding,	Mr. Root,	Mr. Wilcox,	15

NAYS.

Mr. Barlow,	Mr. Geddes,	Mr. Porter,
Mr. Biddle,	Mr. Lamb,	Mr. Redfield,

Mr. Bingham,	Mr. Lee,	Mr. Renwick,
Mr. Brown,	Mr. Leech,	Mr. Richardson,
Mr. Bush,	Mr. Metcalf,	Mr. Rogers,
Mr. Castle,	Mr. J. Miller,	Mr. M. Spencer,
Mr. Clark,	Mr. Morton,	Mr. Strong,
Mr. Coates,	Mr. Olin,	Mr. Tinney,
Mr. Cook,	Mr. Philbrick,	Mr. Walker,
Mr. Curtis,	Mr. Pierce,	Mr. Speaker,
Mr. Daniels,		

31

The said bill was then ordered to a third reading.

On motion of Mr. Metcalf,

The twenty-second rule, requiring that the third reading of bills shall be had on a different day from that which it passed the committee of the whole House, was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

The title of said bill being under consideration,

On motion of Mr. Metcalf,

It was amended by adding thereto the words "and for other purposes."

The House then resolved itself into committee of the whole, on the "bill to repeal 'An act for the relief of the Bank of St. Clair,' approved March 19, 1840;" Mr. Rogers in the chair.

After some time, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Barlow, the House then adjourned.

Saturday, March 27, 1841.

The House met pursuant to adjournment.

The roll being called, Mr. Mather, was absent without leave.

Mr. Harding presented the claim of E. Bingham and others, against the state. Referred to the committee on claims.

REPORTS.

Mr. Walker, from the committee on internal improvement, to which was referred the proposition of Mark Morris, to lease the Central railroad, reported "a bill relative to the use of the Central railroad;" which bill was twice read, and referred to

the committee of the whole, and placed on the general order.

Mr. Walker, from the majority of the committee of conference on the existing disagreement between the two houses, on the Senate "bill in relation to the university and primary school fund," reported certain amendments which the committee had agreed to.

And the question then being upon concurring in the report of the committee, it was non-concurred in, by the following vote:

YEAS.

Mr. Clark,	Mr. H. L. Miller,	Mr. Sprague,	
Mr. Coates,	Mr. Olin,	Mr. Stockton,	
Mr. Copeland,	Mr. Philbrick,	Mr. Walker,	
Mr. Daniels,	Mr. Redfield,	Mr. Willits,	
Mr. Geddes,	Mr. Root,	Mr. Wood,	
Mr. Hammond,	Mr. Russell,	Mr. Speaker,	
Mr. Hawley,	Mr. M. Spencer,		20

NAYS.

Mr. Biddle,	Mr. Gillett,	Mr. Pierce,	
Mr. Bingham,	Mr. Harding,	Mr. Renwick,	
Mr. Brown,	Mr. Lamb,	Mr. Richardson,	
Mr. Bush,	Mr. Lee,	Mr. Rogers,	
Mr. Cook,	Mr. Leech,	Mr. G. Spencer,	
Mr. Curtis,	Mr. Metcalf,	Mr. Strong,	
Mr. Dolsen,	Mr. J. Miller,	Mr. Tinney,	
Mr. Drew,	Mr. Morton,	Mr. Wilcox,	24

Mr. Smith laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the eastern termination of the Southern railroad, heretofore called the La Plaisance bay road, is considered as a portion of the Southern railroad, so far as to render it, and it is hereby declared the duty of the commissioners of internal improvement, to cause its immediate completion, from the appropriation already made on the said road; so that the said road may be available in connection with the Southern railroad: *Provided,* The cost does not exceed the sum of three thousand dollars.

Mr. Hawley gave notice that he would, at an early day, introduce a bill supplemental to a bill entitled bill relative to the sale of real and personal estate on execution.

The "bill to provide for the anticipation of certain instalments of the \$5,000,000 loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement," was then read a third time, and the question being upon its passage, and much discussion ensuing,

Mr. Morton moved the previous question; which motion was not sustained, the following being the vote thereon:

YEAS.

Mr. Castle,
Mr. Cook,
Mr. Daniels,
Mr. Geddes,

Mr. Gillett,
Mr. Morton,
Mr. Pierce,
Mr. Root,

Mr. G. Spencer,
Mr. Wilcox,
Mr. Speaker,

11

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Copeland,
Mr. Curtis,
Mr. Dolsen,
Mr. Drew,

Mr. Hawley,
Mr. Larue,
Mr. Leech,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Renwick,
Mr. Rogers,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Walker,
Mr. Willits,
Mr. Wood,

30

The question then recurring upon the passage of said bill, it was passed, by the following vote:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,
Mr. Rogers,

Mr. Root,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

35

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,

Mr. Lee,
Mr. Leech,
Mr. Olin,

Mr. Richardson,
Mr. Russell,
Mr. Tinney,

The amendments to the bill proposed by the committee on the judiciary, (to strike out in the sixth line, the word "plaintiff," and insert in lieu thereof, the words "adverse party," and to insert in the same line, the word "the," between the words "to," and "satisfaction,") were then adopted by the House; and the said bill was then ordered to a third reading.

On motion of Mr. Metcalf,

The 22d rule was suspended, that the bill might then be read a third time; and the same was accordingly read a third time and passed.

On motion of Mr. Walker,

The committee of the whole was discharged from Senate bill No. 14, "to amend the law relative to crimes," and the same was then taken up in the House.

On motion of Mr. Harding,

The fourth section of said bill was stricken out; and the bill was then ordered to a third reading.

On motion of Mr. Walker,

The 22d rule was suspended, and the said bill was then read a third time and passed.

On motion of Mr. Walker,

The committee of the whole was discharged from the consideration of the following joint resolution from the Senate:

A joint resolution, relative to the reception of bank notes for taxes and other public dues, by the state treasurer.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the state treasurer be, and he is hereby authorized to receive for taxes and other public dues, (except such moneys as may be due from the Morris canal and banking company, and the United States bank of Pennsylvania,) the notes of all banks, so long as, in the opinion of the treasurer, the reception of such notes can be continued, with due regard to the interests of the treasury.

And the same was taken up in the House for consideration.

Mr. Walker moved to postpone the further consideration of the resolution, to an indefinite period; which motion did not prevail.

Mr. Coates moved to lay the resolution on the table; which motion was decided in the negative.

Mr. Walker then moved to postpone its consideration until Monday next; which motion was decided in the affirmative.

On motion of Mr. Porter,

The committee of the whole was discharged from the Senate "bill to authorize the secretary of state to sell a portion of the revised statutes;" and the same was taken up for consideration in the House.

The amendment reported to said bill by the committee on ways and means, was then adopted.

Mr. Coates moved to strike out of the eighth line, the words "two dollars," and insert in lieu thereof, "one dollar;" which motion was lost.

And the bill was then ordered to a third reading.

On motion of Mr. Renwick,

The 22d rule was suspended, that the bill might then be read a third time; and the same was then accordingly read a third time and passed.

On motion of Mr. Walker,

The committee of the whole was discharged from the Senate "bill to amend part three, title three, chapter one, section seven of the revised statutes;" and the same was taken up for consideration in the House; and the bill was then ordered to a third reading.

On motion of Mr. Walker,

The 22d rule was suspended, that the bill might then be read a third time; and the bill was then accordingly read a third time and passed.

On motion of Mr. H. L. Miller,

The committee of the whole was discharged from the Senate "bill for the relief of the township of Tuscola;" and the same was taken up in the House for consideration; and,

On his motion, the further consideration of the same was then postponed indefinitely.

On motion of Mr. Walker,

The committee of the whole was discharged from the fur-

ther consideration of Senate bill No. 23, "to amend chapter five, title four, part three of the revised statutes, 'relative to proceedings in replevin;" and the same was taken up for action in the House, and ordered to a third reading.

On motion of Mr. Copeland,

The 22d rule was suspended, that the bill might then be read a third time.

Mr. Metcalf moved that the vote last taken, suspending the 22d rule, be reconsidered; which motion was negatived; and

The said bill was then read a third time and passed, by yeas and nays, as follows:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,
Mr. Bingham,	Mr. Lee,	Mr. Root,
Mr. Brown,	Mr. Leech,	Mr. Russell,
Mr. Bush,	Mr. H. L. Miller,	Mr. Smith,
Mr. Clark,	Mr. Olin,	Mr. M. Spencer,
Mr. Coates,	Mr. Philbrick,	Mr. Wilcox,
Mr. Geddes,	Mr. Richardson,	Mr. Willits,
Mr. Hammond,		

22

NAYS.

Mr. Cook,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Copeland,	Mr. J. Miller,	Mr. Sprague,
Mr. Dolsen,	Mr. Pierce,	Mr. Stockton,
Mr. Drew,	Mr. Porter,	Mr. Walker,
Mr. Gillett,	Mr. Redfield,	Mr. Speaker,
Mr. Harding,	Mr. Renwick,	

17

On motion of Mr. Porter,

The committee of the whole was discharged from the further consideration of the Senate "bill relative to postponing sales by sheriffs and other officers;" and the same was taken up for action, in the House.

The amendments reported by the committee on the judiciary, were adopted; and the bill was then ordered to a third reading.

On motion of Mr. Porter,

The 22d rule was suspended, that the bill might then be read a third time; and the bill was accordingly read a third time and passed.

On motion of Mr. Porter,

The House went into committee of the whole, upon Senate bill No. 11, "to preserve the purity of elections, and to amend title two, part one of the revised statutes;" Mr. Strong in the chair.

After some time spent thereon, the committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Lamb, the House adjourned until Monday morning, at nine o'clock.

Monday, March 29, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Biddle, Humphrey, Larue and Renwick, were absent without leave.

Mr. Harding obtained leave of absence for Mr. Larue, for one day, on account of indisposition.

Mr. Pierce for Mr. Renwick, for one day.

Mr. Smith presented a petition from the inhabitants of Monroe, asking for the completion of the Southern railroad to La-Plaisance bay. Laid on the table.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

1st. "An act to organize the township of Wales, in the county of St. Clair."

2d. "An act to organize a school district in the city of Detroit."

3d. "An act relative to the sale of real and personal estate on execution."

4th. "An act to amend an act entitled 'An act to incorporate the Kalamazoo mutual insurance company,' approved March 7, 1834."

5th. "An act in relation to the duties of county commissioners, in certain cases."

6th. "An act regulating the holding of courts in Shiawassee county."

J. WRIGHT GORDON.

Executive Office, March 27, 1841.

The Chair announced the following messages from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, March 27, 1841. }

To the Speaker of the House of Representatives:

SIR—By direction of the Senate, I have the honor to inform you, respectfully, that the Senate have concurred in and adopted the report of the committee of conference on the "bill in relation to the university and primary school fund," and passed the bill accordingly.

Also, I am instructed by the Senate to transmit to the House of Representatives, "a bill to authorize Nathaniel E. Mathews, Gideon Mathews and Horace H. Comstock, to erect a dam across the Kalamazoo river," which the Senate have passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message, was twice read, and referred to the committee on banks and incorporations.

SENATE CHAMBER,
Saturday, March 27, 1841. }

To the Speaker of the House of Representatives:

SIR—Agreeably to the directions of the Senate, I transmit herewith to the House of Representatives, "a bill in relation to the assessment of real and personal property," and "a preamble and joint resolution relative to a certain state warrant," which the Senate have passed, severally, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

The bill transmitted by the above message, was twice read and referred to the committee on ways and means.

And the following preamble and joint resolution transmitted by the same, was laid on the table, to wit:

Preamble and joint resolution relative to a certain state warrant:

Whereas, by a resolution of the board of internal improvement, adopted on the 25th day of April, 1839, "it was resolved that the commissioner having charge of the Southern railroad, is hereby authorized to purchase for the use of the state, two locomotive engines, and to have them in readiness to put upon the said road as soon as the same is finished from Monroe to Adrian," and that the auditor general should draw his warrant in favor of L. S. Humphrey, commissioner in charge of the Southern railroad, for a sum not exceeding fifteen thousand dollars to pay for the locomotive engines for the use of said road; *and whereas*, Henry Howard, auditor general of the state of Michigan, did on the 3d day of May, 1839, draw his warrant, number 158, for fifteen thousand dollars in favor of the said Levi S. Humphrey, pursuant to the said resolution, and the same was delivered to and received by him for the purpose aforesaid: *and whereas*, the said road has lately been finished and put in operation between Monroe and Adrian, but as yet, is without the said locomotive engine, nor has any contract been made therefor, and public convenience now requires that the proper engines should be furnished and placed upon said road; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the treasurer of the state be, and he is hereby authorized and directed to apply to the said Levi S. Humphrey for a return of the said warrant, or if the same be disposed of, then of the proceeds thereof to the treasurer of the state; or if that cannot be done, then to inquire into the manner in which the same has been disposed of, and report forthwith the result of the said application and inquiries to the legislature.

Mr. Hammond moved that the "bill to amend an act, entitled 'An act for the regulation of internal improvement,' approved March 25, 1840," be made the special order for to-morrow; which motion did not prevail.

On motion of Mr. Metcalf,

The House took up the joint resolution offered by him, and laid on the table on the 19th instant, authorizing the board of internal improvement to settle certain claims.

On motion of Mr. G. Spencer,

The resolution was then amended, by inserting before the word "claims," the words "legal and just," and after said word, the words "now existing."

Mr. Porter moved to further amend said resolution, by inserting the following after the word "exhausted," to wit: "and that the said board be authorized and directed to audit and settle, in such manner as they shall deem just, all legal and just claims for work heretofore done upon the northern railroad;" which was not adopted.

On motion of Mr. G. Spencer,

The said resolution was further amended, by adding thereto, the following, to wit: "but no contracts on the works of internal improvement in this state, shall hereafter be made or entered into, until after the payment of the April instalment of the five million loan; and no contracts shall hereafter be made, or if made, shall be obligatory upon this state, except such as are made within the limits of appropriations made by law, and can be paid by such appropriations."

The said resolution, as amended, was then adopted.

Mr. Cook moved to take up for consideration, the resolution offered by him, to adjourn on the 25th instant.

Mr. Geddes moved to lay Mr. Cook's motion on the table; which motion was decided in the negative, as follows:

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Lee,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,

Mr. Pierce,
Mr. Porter,
Mr. Rogers,
Mr. Smith,
Mr. Stockton,
Mr. Strong,

20

NAYS.

Mr. Bingham,
Mr. Bush,

Mr. Lamb,
Mr. Leech,

Mr. G. Spencer,
Mr. Tinney,

Mr. Clark,	Mr. Philbrick,	Mr. Walker,	
Mr. Coates,	Mr. Redfield,	Mr. Wilcox,	
Mr. Cook,	Mr. Richardson,	Mr. Willits,	
Mr. Dolsen,	Mr. Root,	Mr. Speaker,	
Mr. Hammond,	Mr. Russell,		20

The motion of Mr. Cook then prevailed, as follows:

YEAS.

Mr. Bingham,	Mr. Hawley,	Mr. Russell,	
Mr. Bush,	Mr. Lee,	Mr. Smith,	
Mr. Castle,	Mr. Leech,	Mr. M. Spencer,	
Mr. Clark,	Mr. H. L. Miller,	Mr. G. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Tinney,	
Mr. Cook,	Mr. Philbrick,	Mr. Walker,	
Mr. Daniels,	Mr. Redfield,	Mr. Willits,	
Mr. Dolsen,	Mr. Richardson,	Mr. Speaker,	
Mr. Hammond,	Mr. Root,		26

NAYS.

Mr. Barlow,	Mr. Mather,	Mr. Rogers,	
Mr. Brown,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. J. Miller,	Mr. Stockton,	
Mr. Geddes,	Mr. Morton,	Mr. Strong,	
Mr. Gillett,	Mr. Pierce,	Mr. Wilcox,	
Mr. Harding,	Mr. Porter,	Mr. Wood,	
Mr. Lamb,			19

On motion of Mr. Cook,

The said resolution was amended by striking out "the 25th instant," and inserting in lieu thereof, "the 5th day of April next."

On motion of Mr. Bingham,

Said resolution was further amended, by adding "at 12 o'clock, noon."

Mr. Strong then moved to postpone the further consideration of said resolution, until Saturday next; which motion was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. Porter,	
Mr. Brown,	Mr. Mather,	Mr. Rogers,	
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,	
Mr. Daniels,	Mr. J. Miller,	Mr. Stockton,	
Mr. Geddes,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Gillett,	Mr. Morton,	Mr. Wilcox,	
Mr. Harding,			19

NAYS.

Mr. Bingham,	Mr. Lee,	Mr. Smith,
Mr. Bush,	Mr. Leech,	Mr. M. Spencer,
Mr. Castle,	Mr. Olin,	Mr. G. Spencer,
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,
Mr. Coates,	Mr. Pierce,	Mr. Walker,
Mr. Cook,	Mr. Redfield,	Mr. Willits,
Mr. Dolsen,	Mr. Richardson,	Mr. Wood,
Mr. Hammond,	Mr. Root,	Mr. Speaker,
Mr. Hawley,	Mr. Russell,	

28

-Mr. Lamb then moved to so amend the resolution, as to fix the day of adjournment, on Friday next; which motion did not prevail.

The resolution, as amended, was then adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Richardson,
Mr. Bingham,	Mr. Harding,	Mr. Rogers,
Mr. Brown,	Mr. Hawley,	Mr. Root,
Mr. Bush,	Mr. Lamb,	Mr. Russell,
Mr. Castle,	Mr. Lee,	Mr. Smith,
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,
Mr. Coates,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Curtis,	Mr. Olin,	Mr. Walker,
Mr. Daniels,	Mr. Philbrick,	Mr. Wilcox,
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Porter,	Mr. Wood,
Mr. Gillett,	Mr. Redfield,	Mr. Speaker,

42

NAYS.

Mr. J. Miller,	Mr. Sprague,	Mr. Stockton,
Mr. Morton,		

4

Mr. G. Spencer offered the following resolution:

Resolved, That this House will, on and after the 30th instant, hold three sessions each day; one of which shall commence at seven o'clock, P. M.

Mr. Lamb moved to amend the resolution, by striking out "the 30th instant," and inserting in lieu thereof, "on and after this day."

On motion of Mr. Strong,

The amendment was then amended, by adding the follow-

ing, to wit: "and that after this day, the House commence its sessions at eight A. M., and at two P. M., precisely."

The question then recurring upon the amendment as amended, it was not adopted; and the question then recurring upon the adoption of the resolution,

Mr. Lamb moved to amend the same by inserting "31st instant," in lieu of the "30th instant;" pending which,

On motion of Mr. G. Spencer,

The said resolution was then laid on the table.

Mr. Morton offered the following resolution:

Resolved, That hereafter, no member shall speak to any question for a longer time than five minutes, nor to the same question more than once.

Which resolution, on motion of Mr. G. Spencer, was laid on the table.

On motion of Mr. J. Miller,

Resolved, That the chairmen of the several committees of this House, report so soon as may be, the remaining business of this House, which, in their opinion, is imperatively necessary to be brought before it during this session.

Mr. Strong moved that the House reconsider its vote of Saturday last, refusing to concur in the report of the committee of conference on the "bill in relation to the university and primary school fund."

Mr. Lamb moved to lay the motion to reconsider, on the table; which motion was negatived.

The question then recurring upon the motion to reconsider, it prevailed, as follows:

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Clark,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Hammond,
Mr. Hawley,
Mr. Mather,
Mr. H. L. Miller,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,
Mr. Rogers,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Coates,
Mr. Curtis,
Mr. Lamb,
Mr. Lee,

Mr. Leech,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,

Mr. Philbrick,
Mr. Pierce,
Mr. Root,
Mr. G. Spencer,
Mr. Wood,

16

The question then recurring upon the motion to concur in the report of the committee of conference,

On motion of Mr. Leech, the motion to concur was laid on the table.

Mr. Porter laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioners of internal improvement be, and they are hereby authorized and directed to audit and settle, in such manner as they shall deem just and equitable, the claims of Daniel B. Herrington and Theodore Bathy, for work done on the Northern railroad; and also to send an engineer on to said road, to estimate said work, if they shall deem it necessary. And the said claims, if allowed, shall be paid by the treasurer, out of the appropriation heretofore made on said Northern railroad.

Mr. Hawley offered the following:

Resolved, That the Speaker of this House be authorized and requested, in issuing certificates, to allow to the representatives from Mackinac and Chippewa, thirty days additional time, necessarily spent in attending upon this legislature.

Which resolution was not adopted.

On motion of Mr. Smith,

Resolved, That the committee on ways and means be instructed to inquire if it is constitutional and proper, to make any additional allowance to the members from Mackinac and Chippewa; and that they report by bill or otherwise.

Mr. Coates moved to take up the resolution proposed by him and laid on the table on the 22d instant, declaring that no new business shall be introduced after to-day, during the present session; which motion did not prevail.

On motion of Mr. Smith,

The House took up the resolution offered by him and laid

on the table on the 27th instant, relative to the completion of the eastern termination of the Southern railroad; and the said resolution was then considered and adopted.

On motion of Mr. Metcalf,

The committee of the whole was discharged from the further consideration of the Senate "bill to preserve the purity of elections, and to amend title two of part one of the revised statutes;" and the same was taken up for consideration.

The amendments proposed by the committee of the whole, were then concurred in by the House.

Mr. Bush moved to further amend said bill, by striking out the second section of the same; which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Richardson,
Mr. Bingham,	Mr. Lee,	Mr. Russell,
Mr. Bush,	Mr. Leech,	Mr. Smith,
Mr. Clark,	Mr. Mather,	Mr. M. Spencer,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Copeland,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,

21.

NAYS.

Mr. Brown,	Mr. Hawley,	Mr. Rogers,
Mr. Castle,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Daniels,	Mr. J. Miller,	Mr. Sprague,
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Strong,
Mr. Geddes,	Mr. Morton,	Mr. Wilcox,
Mr. Gillett,	Mr. Pierce,	Mr. Willits,
Mr. Harding,	Mr. Porter,	Mr. Speaker,

24

Mr. Smith then offered the following additional section to stand as

"Section 8. If any person not duly authorized by law, shall, during the process of any election in this state, or after the closing of the polls, and before the ballots are counted, and the results ascertained, break open or violate the seals or locks of the ballot box in which the ballots at such election have been deposited, or who shall forcibly, or by other means, obtain undue possession of the said ballot box containing said votes, and conceal or destroy the same, or shall forcibly or fraudulently add to, or diminish from the number of ballots le-

gally deposited, or shall prevent or interrupt the fair and legal taking, keeping and counting said votes by the inspectors, as provided by law, such person shall be deemed guilty of misdemeanor, and on conviction thereof, be punished by imprisonment in the penitentiary of this state, for a term not exceeding ten years, and by a fine of one thousand dollars. And all persons advising, abetting or aiding therein, shall be deemed guilty of misdemeanor, and shall incur a punishment not exceeding that incurred by the principals, as enacted in this section."

On motion of Mr. Porter,

The said amendment was amended by striking out all between the word "deposited," and the words "provided by law."

The question then recurring upon the amendment as amended; pending which,

On motion of Mr. Bingham, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called Mr. Humphrey was absent without leave.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, March 29, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House, "a bill to authorize townships to remit certain fines therein named," which the Senate have passed with amendments, in which the concurrence of the House is respectfully requested.

Also, I am directed to transmit Senate "bill to alter the boundary line of the township of Kearsley, in the county of Genesee," which the Senate have this day passed, and respectfully ask the concurrence of the House in the same.

And also, to return the Senate "bill to amend the law relative to crimes," with the amendment made by the House, in which the Senate non-concur.

Also, further, sir, I am instructed to inform you, respectfully, that the Senate have concurred in the House amendments to the "bills to authorize the secretary of state to sell a portion of the revised statutes;" and, "to amend chapter two, title three, part three of the revised statutes, entitled 'of the action of ejectment.'"

D. W. KELLOGG,
Secretary of the Senate.

The bill transmitted by the above message, "to alter the boundary lines of the township of Kearsley, in the county of Genesee," was twice read, and,

On motion of Mr. Copeland,

The thirty-eighth rule, requiring all bills from the Senate to be referred to a committee, was suspended, that said bill might then be ordered to a third reading; and the said bill was then ordered to a third reading.

On motion of Mr. Copeland,

The twenty-second rule, requiring the second and third readings of bills to be had on different days, was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

The House then insisted upon its amendment to the Senate "bill to amend the law relative to crimes."

And the House then concurred in the amendments of the Senate, made to the "bill to authorize townships to remit certain fines therein named;" and the said bill was then ordered to be enrolled.

The House then resumed the unfinished business of this morning, it being the question pending when the House adjourned, to wit: upon the adoption of the amendment proposed by Mr. Smith, to the Senate "bill to preserve the purity of elections, and to amend title two of part first of the revised statutes."

Mr. Castle then moved to amend the amendment by striking out the words "not less than five nor more than," and by inserting in lieu thereof, the words, "not exceeding," where the same applies to imprisonment, and by inserting the words,

"not exceeding," after the word "fine;" which amendments were adopted.

The amendment offered by Mr. Smith, as amended, was then adopted.

Mr. Bush then moved to further amend said bill by striking out all of the second section, down to the word "oath," in the fifth line, and inserting the following in lieu thereof:

"If the person challenged shall refuse to answer the questions as above, the inspectors, or one of them, shall tender to him the following oath;" which amendment was not adopted.

The said bill was then ordered to a third reading by the following vote:

YEAS.

Mr. Brown,	Mr. Hawley,	Mr. Porter,
Mr. Castle,	Mr. Lamb,	Mr. Rogers,
Mr. Cook,	Mr. Mather,	Mr. Root,
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,
Mr. Daniels,	Mr. J. Miller,	Mr. Strong,
Mr. Drew,	Mr. H. L. Miller,	Mr. Wilcox,
Mr. Geddes,	Mr. Morton,	Mr. Willits,
Mr. Gillett,	Mr. Pierce,	Mr. Speaker,
Mr. Harding,		

25

NAYS.

Mr. Barlow,	Mr. Lee,	Mr. Russell,
Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Bush,	Mr. Olin,	Mr. Stockton,
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,
Mr. Coates,	Mr. Redfield,	Mr. Walker,
Mr. Curtis,	Mr. Richardson,	Mr. Wood,
Mr. Hammond,		

19

Mr. Walker moved that the committee of the whole be discharged from the "bill to authorize the auditor general, state treasurer and attorney general, to settle with the late commissioners of internal improvement," and that the same be taken up in the House; which motion did not prevail.

On motion of Mr. Wilcox,

The House resolved itself into committee of the whole, on the Senate "bill to amend an act entitled 'An act to incorporate the village of Adrian;'" Mr. Walker in the chair.

After some time spent thereon, the committee rose and re-

ported the same back to the House with sundry amendments, which were concurred in by the House. The said bill was then ordered to a third reading.

On motion of Mr. Hammond,

The House resolved itself into committee of the whole, on the Senate "bill to amend chapter one, title four, part one of the revised statutes;" Mr. Clark in the chair.

After some time spent thereon, the committee rose, and reported the same back to the House with amendments; which amendments were concurred in by the House. The said bill being still under consideration,

On motion of Mr. Coates,

The following was then adopted to stand as the eighth section of said bill, to wit:

"The general election shall be conducted by the justices of the peace and township clerk in each township; the senior justice in office shall preside at the election, and an additional clerk shall be appointed, who, with the township clerk, shall keep the poll lists and do the duties of clerks of election;" the said bill was then ordered to a third reading.

Mr. Hammond then moved to adjourn.

Mr. Coates moved to adjourn until seven o'clock this evening; which motion was decided in the negative.

And the question recurring upon the motion of Mr. Hammond, it prevailed.

And the House accordingly adjourned until nine o'clock, tomorrow morning.

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Tuesday, March 30, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Dolsen and Humphrey were absent without leave.

PETITIONS.

By Mr. Hammond. The petition of inhabitants of Lapeer county, that non-resident taxes may be collected in the county and not returned to the office of the auditor general. Laid on the table, a report having been made on the subject.

Mr. Larue presented the claim of C. N. Ormsby and G. W. Jermain, commissioners under the (so called) "settlers' act," for compensation for services and expenses incurred as such commissioners.

Mr. Harding presented the claim of Alexander D. Fraser, for professional services rendered the state. Both referred to the committee on claims.

REPORTS.

Mr. Wilcox, from the committee on manufactures, to which was referred a resolution of the House, inquiring into the expediency of encouraging the manufacture of domestic woollen, cotton or linen cloth, by allowing a small premium to be deducted from the annual tax of the manufacturer, submitted a report thereon, which was laid on the table and ordered printed.

(*See Document, No. 79.*)

Mr. Renwick, from the committee on ways and means, to which was referred "a bill to grant aid in connecting the public works of Michigan, with those of Ohio, and for other purposes," submitted a report thereon, adverse to the passage of said bill; which report was laid on the table and ordered printed.

(*See Document, No. 80.*)

And the further consideration of the bill,

On motion of Mr. Bingham, was then indefinitely postponed.

The same, from the same committee, to which was referred the proceedings of a meeting of inhabitants of Lapeer county,

in relation to delinquent taxes, reported the same back to the House, and asked to be discharged from the further consideration of the subject; and the committee was accordingly discharged, and the document laid on the table.

Mr. Larue, from the committee on claims, to which was referred the "joint resolution authorizing the auditor general to settle with Benjamin Porter and Amasa B. Gibson, late commissioners of state prison," reported the same back to the House, with a substitute therefor; which was laid on the table one day, according to rule.

Mr. Walker, from the committee of conference on the part of the House, in reference to the difference between the two Houses, on the "bill amendatory to 'An act to amend the revised statutes, relative to primary schools,' approved April 1, 1840," reported that the committee recommended that the House insist in non-concurring with so much of the Senate amendments, as strikes out section number eight, and concur in so much of the Senate amendments as strikes out sections two, three, four, six, seven, nine, ten and eleven; which report was then concurred in by the House, and the bill accordingly passed.

The Chair announced a communication from the auditor general, in reply to a resolution adopted on the 27th instant, requesting a statement of the funds in the treasury; which communication was laid on the table and ordered printed.

(See Document, No. 81.)

Mr. Metcalf moved to reconsider the vote of yesterday, adopting the joint resolution fixing the day of adjournment on the fifth day of April next; and,

On his motion, the motion to reconsider was laid on the table.

On motion of Mr. G. Spencer,

Ordered, That when the House reaches the general order, it then consider the Senate "bill suspending for a limited time, certain provisions of law, and for other purposes."

On motion of Mr. Lamb,

The committee of the whole was discharged from the fut-

ther consideration of the "bill to amend an act entitled 'An act for the regulation of internal improvement,' approved March 25, 1840;" and the same was taken up for consideration.

Mr. Metcalf then moved to indefinitely postpone its further consideration; which motion was negatived, by the following vote:

YEAS.

Mr. Biddle,
Mr. Cook,
Mr. Copeland,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. Morton,
Mr. Olin,

Mr. Pierce,
Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. G. Spencer,

17

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Daniels,
Mr. Drew,
Mr. Hammond,

Mr. Lamb,
Mr. Lee,
Mr. Leech,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

32

On motion of Mr. Hammond, the said bill was then made the special order for Thursday next.

On motion of Mr. Strong,

The House took up from the table, the motion to concur in the report of the committee of conference on the Senate "bill in relation to the university and primary school fund;" and the question was then decided in the negative, as follows:

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Coates,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,

Mr. Gillett,
Mr. Hawley,
Mr. Mather,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Porter,
Mr. Rogers,

Mr. Root,
Mr. Strong,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

22

NAYS.

Mr. Biddle,	Mr. Lee,	Mr. Redfield,
Mr. Bingham,	Mr. Leech,	Mr. Renwick,
Mr. Bush,	Mr. Metcalf,	Mr. Richardson,
Mr. Clark,	Mr. Morton,	Mr. Russell,
Mr. Curtis,	Mr. Olin,	Mr. M. Spencer,
Mr. Hammond,	Mr. Philbrick,	Mr. G. Spencer,
Mr. Lamb,	Mr. Pierce,	Mr. Tinney,
Mr. Larue,		

22

RESOLUTIONS.

Mr. Cook offered the following resolution:

Resolved, That this House will hold evening sessions, and commence this evening, at half past six o'clock.

Mr. Smith moved to amend the resolution, by adding thereto, the following, to wit: "will hold morning sessions, and commence to-morrow morning at six o'clock, and adjourn to breakfast at eight o'clock;" which amendment was adopted, and the question recurring upon the resolution, as amended,

On motion of Mr. H. L. Miller, the whole subject was laid on the table.

Mr. Strong offered the following resolution:

Resolved, That hereafter this House will commence its sessions at eight o'clock, A. M., and two o'clock, P. M.

Which resolution, on motion of Mr. Harding, was laid on the table.

Mr. Wood gave notice that he should, at some future day, ask leave to introduce "a bill for the relief of the county of Chippewa."

On motion of Mr. Coates,

Resolved, That the state treasurer be, and he is hereby directed to communicate to this House, what kind of money he has received on account of the general fund, arising from taxation, during the last six months, naming the different banks, and the amount of notes of each bank; and also stating whether the money so received, has been placed in the bank of Michigan, on special or general deposit; and also, what amount of money is at present in the treasury, on account of the general fund, and what kind of funds.

The Senate "bill to amend an act entitled 'An act to incor-

porate the village of Adrian,''' was then read a third time and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,
Mr. Biddle,	Mr. Lamb,	Mr. Root,
Mr. Brown,	Mr. Larue,	Mr. Smith,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Clark,	Mr. Metcalf,	Mr. Sprague,
Mr. Cook,	Mr. J. Miller,	Mr. Strong,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Daniels,	Mr. Morton,	Mr. Walker,
Mr. Drew,	Mr. Olin,	Mr. Wilcox,
Mr. Geddes,	Mr. Philbrick,	Mr. Willits,
Mr. Gillett,	Mr. Pierce,	Mr. Wood,
Mr. Hammond,	Mr. Redfield,	Mr. Speaker,
Mr. Harding,		

37

NAYS.

Mr. Bush,	Mr. M. Spencer,	2
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The Senate "bill to preserve the purity of elections, and to amend title two of the revised statutes," was then read a third time; and the question being upon its passage,

On motion of Mr. Morton,

A call of the House was ordered; and the roll being called, Messrs. Dolsen and Humphrey, were absent without leave.

On motion of Mr. Metcalf,

The further proceedings under the call were dispensed with; the said bill was then passed by the following vote:

YEAS.

Mr. Biddle,	Mr. Harding,	Mr. Renwick,
Mr. Brown,	Mr. Hawley,	Mr. Rogers,
Mr. Castle,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Mather,	Mr. G. Spencer,
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,
Mr. Daniels,	Mr. J. Miller,	Mr. Strong,
Mr. Drew,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	

26

NAYS.

Mr. Barlow,	Mr. Lee,	Mr. Smith,
Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Clark,	Mr. Olin,	Mr. Tinney,
Mr. Coates,	Mr. Philbrick,	Mr. Walker,

Mr. Curtis,	Mr. Redfield,	Mr. Wood,	
Mr. Hammond,	Mr. Richardson,	Mr. Speaker,	
Mr. Larue,	Mr. Russell,		23

On motion of Mr. Geddes, the House adjourned, until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Dolsen and Humphrey were absent without leave.

The morning business not having been gone through with, the "bill to amend chapter one, title four, part one of the revised statutes," was then read a third time and passed, by the following vote:

YEAS.

Mr. Biddle,	Mr. Harding,	Mr. Root,	
Mr. Brown,	Mr. Lamb,	Mr. Russell,	
Mr. Bush,	Mr. Mather,	Mr. Smith,	
Mr. Clark,	Mr. H. L. Miller,	Mr. G. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Stockton,	
Mr. Cook,	Mr. Philbrick,	Mr. Strong,	
Mr. Curtis,	Mr. Pierce,	Mr. Tinney,	
Mr. Daniels,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Redfield,	Mr. Wood,	
Mr. Gillett,	Mr. Richardson,	Mr. Speaker,	
Mr. Hammond,	Mr. Rogers,		32

NAYS.

Mr. Barlow,	Mr. Lee,	Mr. M. Spencer,	
Mr. Bingham,	Mr. Lecch,	Mr. Sprague,	
Mr. Castle,	Mr. Metcalf,	Mr. Walker,	
Mr. Copeland,	Mr. Morton,	Mr. Wilcox,	
Mr. Larue,	Mr. Renwick,		14

The title of said bill being under consideration,

On motion of Mr. Strong, the following was adopted as a substitute therefor, to wit:

"An act relative to assessors, supervisors and township boards."

The House then resolved itself into committee of the whole, on the special order, it being the Senate "bill suspending for a limited time, certain provisions of law, and for other purposes;" Mr. Curtis in the chair.

After some time spent thereon, the committee rose and re-

ported the same back to the House with sundry amendments, which were concurred in, collectively, by the House.

The bill being still under consideration, Mr. Stockton offered the following substitute therefor, to wit:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That every provision of law in force, requiring or authorizing proceedings against any bank of Michigan, or its branch, with a view to forfeit their charters, or wind up their concerns, or which requires them to suspend their operations and proceedings, in consequence of a refusal to pay their notes, or evidences of debt in specie, is hereby suspended.

Sec. 2. In all cases where suits have been, or may be instituted by any bank, for the collection of any debt which may be due to it, or to its branch, in whatever name such suit or suits may be, or may have been commenced, it shall be competent for the defendant or defendants therein, to set off the notes of such bank, or the notes of its branch, in discharge of such suit: *Provided*, that this section shall not be construed to exempt the defendant from all costs accruing previous to the plea of setoff, unless the notes of said bank, or its branch, were tendered in payment of such indebtedness, previous to the commencement of such suit or suits.

Sec. 3. No bank, or its branch, availing itself of the provisions of this act, shall have a greater circulation than the amount of its capital stock actually paid in, and security be given to the treasurer of the state, to be approved by the auditor general, for the final redemption of its said circulation.

Sec. 4. No such bank shall, directly or indirectly, divide or pay to its stockholders, or to any person for them, any dividend, profits or interest, upon any portion of the capital stock, until it shall resume the payment of its notes and other evidences of debt, in specie.

Sec. 5. No bank, or officer, or agent of a bank, or any person for them, shall, during the suspension of specie payments by such bank or its branch, directly or indirectly, sell, dispose of, part with at a premium, any gold or silver, bullion or spe-

cie, or directly or indirectly, purchase or cause to be purchased, its own notes, the notes of its branch, or the notes or bills of any other bank or banks, or directly or indirectly, knowingly, furnish any person with specie for the purpose of purchasing their bills, notes, or other liabilities, at a discount; and every violation of this section, or any part of it, shall be a forfeiture of its charter.

Sec. 6. Every such bank or branch, shall transmit a statement, under oath, of its president, cashier and directors, of its true condition, once in every three months, viz: on the first day of January, April, July and October, to the secretary of state, who shall cause the same to be published in the state paper, and the expense of such publication, shall be paid by the banks respectively.

Sec. 7. It shall be the duty of the secretary of state, on the receipt of each quarterly statement, provided for in the sixth section of this act, to transmit, as soon as practicable, to the governor, lieutenant governor, auditor general and treasurer of this state, each, a certified copy of such statement; and if, on examination of the same, it shall appear to any one of said officers, including the secretary of state, that any bank, availing itself of the provisions of this act, is, or has been so conducting its business, as, in their opinion, to endanger the interests or security of the public, or those holding its notes, or other evidences of debt, or in any way improperly to abuse the privileges by this act granted; or if, from any other cause, any such officer shall have good reason to believe that any such bank has so improperly conducted, then it shall be the duty of such officer, with the advice and consent of one or more of his associates above named, forthwith to cause an examination to be made, of the conduct and affairs of such bank; and in case it shall thereupon appear, to the satisfaction of three or more of said officers, that such bank is, or has been conducting its business improperly, as aforesaid, it is hereby made their duty forthwith to report such fact to the attorney general, who is hereby required to proceed against such bank, as directed in the eighth section of this act.

Sec. 8. That any bank or its branch, may avail themselves of the provisions of this act, by conforming to all its requirements: *Provided*, they shall first, by a full exhibit of all their affairs to the auditor general, state treasurer and secretary of state, satisfy those officers that their business has been honestly managed, that they are now in a sound condition, and have been, since 1st January, 1839, doing a legitimate banking business, and provided they shall procure a certificate from said officers, setting forth those facts, which certificate, together with the assent of such bank, to the provisions of this act, shall be placed on file in the office of the secretary of state, and be published at the expense of such bank or banks, in the state paper, and in a paper published in the county where such bank may be located.

Sec. 9. The auditor general, state treasurer and secretary of state, before they proceed to examine such banks, as may apply to them for that purpose, shall make oath before any person authorized to administer the same, that they will not grant a certificate to any bank, unless they shall be perfectly satisfied that the resources of such bank are, and will be adequate to the ultimate payment of its circulation, and all other liabilities permitted by this act.

Sec. 10. The attorney general is hereby authorized and required to proceed against any bank availing itself of the provisions of this act, and which shall directly or indirectly violate the same, by injunction, *quo warranto*, or otherwise, in the same manner as if this act had not passed.

Sec. 11. The legislature may at any time repeal, alter, or modify this act, and it shall continue in force from and after its passage, until the first Monday in May, 1842, and no longer.

Which substitute was rejected, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Curtis,
Mr. Hammond,
Mr. Lee,

Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Richardson,
Mr. Brown,	Mr. Larue,	Mr. Rogers,
Mr. Castle,	Mr. Mather,	Mr. Root,
Mr. Coates,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Cook,	Mr. J. Miller,	Mr. Sprague,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Strong,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Drew,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Porter,	Mr. Speaker,
Mr. Gillett,		

31

Mr. Smith moved to amend the 8th section, by inserting in the first line, after the word "that," the words, "the bank of River Raisin;" which amendment was rejected, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lee,	Mr. Smith,
Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Olin,	Mr. Stockton,
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,
Mr. Coates,	Mr. Redfield,	Mr. Walker,
Mr. Curtis,	Mr. Richardson,	Mr. Wilcox,
Mr. Hammond,	Mr. Russell,	Mr. Wood,
Mr. Lamb,		

22

NAYS.

Mr. Biddle,	Mr. Harding,	Mr. Porter,
Mr. Brown,	Mr. Hawley,	Mr. Renwick,
Mr. Castle,	Mr. Larue,	Mr. Rogers,
Mr. Cook,	Mr. Mather,	Mr. Root,
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,
Mr. Daniels,	Mr. J. Miller,	Mr. Strong,
Mr. Drew,	Mr. H. L. Miller,	Mr. Willits,
Mr. Geddes,	Mr. Morton,	Mr. Speaker,
Mr. Gillett,		

25

Mr. Bingham moved to amend the 1st section, by adding thereto, the following proviso, to wit:

"*Provided*, That the directors and stockholders of any bank, availing itself of the provisions of this act, shall hereafter become responsible in their individual capacity, for the payment of the liabilities of such bank, as partners in trade are, by existing laws."

Which amendment was rejected, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Lamb,
Mr. Lee,

Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Kenwick,
Mr. Richardson,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

22

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,

Mr. Gillett,
Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,

Mr. Pierce,
Mr. Porter,
Mr. Rogers,
Mr. Root,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,

26

Mr. Bingham then offered the following proviso, to the same section, to wit:

“Provided, that every bank availing itself of the provisions of this act, shall give satisfactory security to the auditor general, to be filed with him, for the ultimate redemption of all its liabilities;” which amendment was also rejected, the following being the vote thereon:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Hawley,
Mr. Lamb,

Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

24

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,

Mr. Gillett,
Mr. Harding,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

26

Mr. Hammond then offered the following proviso, to the first section, to wit:

“Provided, That any bank availing itself of the privileges of this act, shall at all times redeem its one dollar notes, in specie, on demand;” which amendment did not prevail, the following being the vote thereon:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Russell,	
Mr. Bush,	Mr. Leech,	Mr. Smith,	
Mr. Clark,	Mr. Olin,	Mr. M. Spencer,	
Mr. Coates,	Mr. Philbrick,	Mr. Stockton,	
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,	
Mr. Hammond,	Mr. Richardson,	Mr. Walker,	
Mr. Larue,	Mr. Rogers,	Mr. Wood,	21

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,	
Mr. Biddle,	Mr. Hawley,	Mr. Root,	
Mr. Brown,	Mr. Lamb,	Mr. G. Spencer,	
Mr. Castle,	Mr. Mather,	Mr. Sprague,	
Mr. Cook,	Mr. Metcalf,	Mr. Strong,	
Mr. Copeland,	Mr. J. Miller,	Mr. Tyler,	
Mr. Daniels,	Mr. H. L. Miller,	Mr. Wilcox,	
Mr. Drew,	Mr. Morton,	Mr. Willits,	
Mr. Geddes,	Mr. Pierce,	Mr. Speaker,	
Mr. Gillett,	Mr. Porter,		29

Mr. Smith moved to amend the eighth section, by striking out the words, “or either of them,” and inserting in lieu thereof, the words, “or any solvent bank;” which amendment was lost by the following vote:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,	
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,	
Mr. Clark,	Mr. Philbrick,	Mr. Stockton,	
Mr. Coates,	Mr. Redfield,	Mr. Tinney,	
Mr. Curtis,	Mr. Richardson,	Mr. Walker,	
Mr. Hammond,	Mr. Russell,	Mr. Wood,	
Mr. Lee,			19

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Larue,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,

Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,

Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

30

Mr. Coates then moved to further amend said bill, by adding the following thereto, to wit:

“Sec. —. Every bank availing itself of the provisions of this act, shall be required to redeem its notes, and the notes of its branches, and other evidences of debt, either by specie or drafts on New York, payable not more than four months after date; on sight drafts, the bank shall be allowed to charge two per cent; drafts at two months, shall be given at par; and on drafts at par, the bank shall allow two per cent. Any refusal to redeem their circulation in the manner provided in this section, by any bank availing itself of this act, shall subject the same to injunction, as under the violation of their charter.”

Which amendment was not adopted.

Mr. Coates then offered the following, as an additional section to said bill, to wit:

“Sec. —. Every bank availing itself of the provisions of this act, shall, once every month, exhibit a statement of assets and liabilities, and shall pay the state six per cent per annum on the amount of its circulation, over its immediate available assets.”

Which amendment was also rejected.

Mr. Smith then moved the following additional section, to stand as

“Sec. 11. That at the next general election after the passage of this act, the question shall be submitted to the people, to vote “aye” or “no,” and the ballots given thereupon, shall be counted, and returns duly made, in the same manner as is now provided by law for elections; and if a majority of said ballots throughout the state shall be in favor of such suspension, then this act to continue in force; but if, on the contrary, a majority shall declare against said suspension by said banks, then, and after the ascertaining the majority, by the returns

made to the secretary of state, this act shall thereupon be held and considered as abrogated, annulled and repealed."

Which amendment was rejected, by the following vote:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,
Mr. Clark,	Mr. Philbrick,	Mr. Stockton,
Mr. Coates,	Mr. Redfield,	Mr. Tinney,
Mr. Curtis,	Mr. Richardson,	Mr. Walker,
Mr. Hammond,	Mr. Russell,	Mr. Wood,
Mr. Lee,		

19

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Larue,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. J. Miller,	Mr. Strong,
Mr. Daniels,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Drew,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Speaker,

30

Mr. Bush then offered the following, to stand as section ten of said bill, to wit:

"Sec. 10. Any bank availing itself of the provisions of this act, shall, from and after the passage thereof, pay seven per cent per annum interest on its notes and other evidences of debt, until said liabilities shall be redeemed."

Which amendment did not prevail.

Mr. Walker then offered the following, to stand as an additional section, to wit:

"Sec. —. Every bank which shall avail itself of the provisions of this act, shall be compelled to redeem its notes, the notes of its branches, and its post notes, and other evidences of debt, either by specie or by drafts on New York, payable not more than five months from the date of such drafts; on the sight drafts there shall be allowed to the banks drawing the same, five per cent; on drafts at thirty days, four per cent; at sixty days, three per cent; at ninety days, two per cent; at four months, one per cent; at five months, par."

Which amendment was rejected, as follows:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Lee,

Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

19

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

29

On motion of Mr. Hammond,

The following was then added to the fourth section, to wit:
“and shall have continued to do so for three months, in good faith:

Mr. Bingham then offered the following, to stand as an additional section, to wit:

“Sec. —. And every provision of law in force requiring or authorizing proceedings against the people of this state, with a view to wind up their concerns, or to compel them to pay their debts, or to sell their property under execution, in consequence of a refusal to pay their notes, or other evidences of debt, is hereby suspended till a resumption of specie payments by the banks.”

The House refused to adopt said amendment, as follows:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

19

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. Rogers,
Mr. Biddle,	Mr. Larue,	Mr. Root,
Mr. Brown,	Mr. Mather,	Mr. M. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Copeland,	Mr. J. Miller,	Mr. Sprague,
Mr. Daniels,	Mr. H. L. Miller,	Mr. Strong,
Mr. Drew,	Mr. Morton,	Mr. Tyler,
Mr. Geddes,	Mr. Pierce,	Mr. Wilcox,
Mr. Gillett,	Mr. Porter,	Mr. Willits,
Mr. Harding,	Mr. Renwick,	Mr. Speaker,
Mr. Hawley,		

31

The following was then offered by Mr. Hammond as an additional section of said bill, to wit:

"Sec. —. Whenever execution shall have issued or may hereafter issue from any of the courts of this state, and the person or persons against whom the same may be, shall tender in satisfaction thereof, the bills of any of the banks coming under the provisions of this act, all sales under any such execution shall be postponed until the resumption of specie payments by said banks."

Which amendment was rejected, the following being the vote thereon:

YEAS.

Mr. Bingham,	Mr. Larue,	Mr. Russell,
Mr. Bush,	Mr. Lee,	Mr. Smith,
Mr. Clark,	Mr. Leech,	Mr. M. Spencer,
Mr. Coates,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Hammond,	Mr. Redfield,	Mr. Walker,
Mr. Lamb,	Mr. Richardson,	Mr. Wood,

21

NAYS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Mather,	Mr. Root,
Mr. Castle,	Mr. Metcalf,	Mr. Sprague,
Mr. Cook,	Mr. J. Miller,	Mr. Strong,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Drew,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Porter,	Mr. Speaker,
Mr. Gillett,		

28

The question then recurring upon ordering said bill to a

third reading, upon that Mr. Metcalf moved the previous question; which motion was decided in the negative, as follows:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Root,	
Mr. Brown,	Mr. Mather,	Mr. G. Spencer,	
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. Morton,	Mr. Strong,	
Mr. Daniels,	Mr. Pierce,	Mr. Tyler,	
Mr. Drew,	Mr. Porter,	Mr. Wilcox,	
Mr. Geddes,	Mr. Renwick,	Mr. Willits,	
Mr. Gillett,	Mr. Rogers,	Mr. Speaker,	24

NAYS.

Mr. Biddle,	Mr. Lamb,	Mr. Richardson,	
Mr. Bingham,	Mr. Larue,	Mr. Russell,	
Mr. Bush,	Mr. Lee,	Mr. Smith,	
Mr. Castle,	Mr. Leech,	Mr. M. Spencer,	
Mr. Clark,	Mr. J. Miller,	Mr. Stockton,	
Mr. Coates,	Mr. H. L. Miller,	Mr. Tinney,	
Mr. Curtis,	Mr. Olin,	Mr. Walker,	
Mr. Hammond,	Mr. Philbrick,	Mr. Wood,	
Mr. Harding,	Mr. Redfield,		26

Mr. Coates then moved to further amend said bill by striking out the fifth section of the same.

Mr. Hammond moved to adjourn; which motion did not prevail.

The question then recurring upon Mr. Coates' motion to strike out the fifth section, it was negatived as follows:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,	
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,	
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,	
Mr. Coates,	Mr. Redfield,	Mr. Walker,	
Mr. Curtis,	Mr. Russell,	Mr. Wood,	
Mr. Lee,			16

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Richardson,
Mr. Biddle,	Mr. Lamb,	Mr. Rogers,
Mr. Brown,	Mr. Larue,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. J. Miller,	Mr. Stockton,
Mr. Daniels,	Mr. H. L. Miller,	Mr. Strong,
Mr. Drew,	Mr. Morton,	Mr. Tyler,

Mr. Geddes,	Mr. Pierce,	Mr. Wilcox,	
Mr. Gillett,	Mr. Porter,	Mr. Willits,	
Mr. Hammond,	Mr. Renwick,	Mr. Speaker,	
Mr. Harding,			34

The question again recurring upon ordering said bill to a third reading,

Mr. Morton moved the previous question; which motion was sustained as follows:

YEAS.			
Mr. Barlow,	Mr. Gillett,	Mr. Renwick,	
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,	
Mr. Brown,	Mr. Larue,	Mr. Root,	
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,	
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. J. Miller,	Mr. Strong,	
Mr. Curtis,	Mr. H. L. Miller,	Mr. Tyler,	
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,	
Mr. Drew,	Mr. Pierce,	Mr. Willits,	
Mr. Geddes,	Mr. Porter,	Mr. Speaker,	30

NAYS.			
Mr. Bingham,	Mr. Leech,	Mr. Smith,	
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,	
Mr. Clark,	Mr. Philbrick,	Mr. Stockton,	
Mr. Coates,	Mr. Redfield,	Mr. Tinney,	
Mr. Hammond,	Mr. Richardson,	Mr. Walker,	
Mr. Harding,	Mr. Russell,	Mr. Wood,	
Mr. Lee,			19

And the question being, shall the main question be now put ? the same was decided in the affirmative.

And the main question being upon ordering said bill to a third reading, it prevailed by the following vote:

YEAS.			
Mr. Barlow,	Mr. Gillett,	Mr. Rogers,	
Mr. Biddle,	Mr. Mather,	Mr. Root,	
Mr. Brown,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Castle,	Mr. J. Miller,	Mr. Sprague,	
Mr. Cook,	Mr. H. L. Miller,	Mr. Stockton,	
Mr. Copeland,	Mr. Morton,	Mr. Strong,	
Mr. Daniels,	Mr. Pierce,	Mr. Tyler,	
Mr. Drew,	Mr. Porter,	Mr. Wilcox,	
Mr. Geddes,	Mr. Renwick,	Mr. Willits,	27

NAYS.		
Mr. Bingham,	Mr. Larue,	Mr. Russell,

Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Harding,
Mr. Lamb,

Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,

Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

22

Mr. Bingham then moved to adjourn; which motion did not prevail.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, March 30, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform you respectfully, that the Senate have concurred in and adopted the report of the committee of conference on the “bill to prescribe the powers and duties of justices of the peace in civil proceedings,” and have passed said bill, accordingly.

D. W. KELLOGG,
Secretary of the Senate.

Mr. Smith then moved to adjourn; which motion was negatived.

Mr. Porter moved to suspend the fortieth rule, prescribing the order of business, that the committee of conference on the part of the House, on the “bill to prescribe the powers and duties of justices of the peace in civil proceedings,” might then report;

Which motion prevailed, two-thirds of the members voting in the affirmative, as follows:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,

Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

23

NAYS.

Mr. Bingham,	Mr. Olin,	Mr. Russell,
Mr. Harding,	Mr. Philbrick,	Mr. M. Spencer,
Mr. Lamb,	Mr. Redfield,	Mr. Tinney,
Mr. Lee,	Mr. Richardson,	Mr. Walker,
Mr. Leech,		

13

Mr. Richardson, from the committee of conference on said bill, reported that the committee had agreed to certain amendments to said bill, and the committee asked the concurrence of the House therein; pending the consideration of which report,

Mr. Curtis moved to adjourn; which motion did not prevail.

Mr. Leech then moved that the further consideration of the report be postponed until to-morrow, and that it be printed; which motion was decided in the negative.

Mr. Coates moved to adjourn; which motion was negatived.

The question recurring upon concurring in the report of the committee of conference,

Mr. Morton moved the previous question; which motion was sustained.

And the question being, shall the main question be now put? the same was decided in the affirmative.

And the main question being upon concurring in the report of the committee of conference, the same was then decided in the affirmative.

Mr. Metcalf moved to reconsider the vote ordering to a third reading, the Senate "bill suspending for a limited time, certain provisions of law, and for other purposes."

Mr. Bingham moved to adjourn; which motion did not prevail.

And the question recurring upon the motion of Mr. Metcalf to reconsider,

Mr. Metcalf then moved the previous question, which motion was sustained by the following vote:

YEAS.

Mr. Biddle,	Mr. Metcalf,	Mr. Rogers,
Mr. Brown,	Mr. J. Miller,	Mr. Root,
Mr. Castle,	Mr. H. L. Miller,	Mr. Russell,
Mr. Cook,	Mr. Morton,	Mr. M. Spencer,

Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,
Mr. Mather,

Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

34

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Clark,
Mr. Coates,

Mr. Curtis,
Mr. Lamb,
Mr. Larue,
Mr. Lee,

Mr. Leech,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,

12

And the question being, shall the main question be now put? the same was decided in the affirmative.

And the main question being upon reconsidering the vote ordering to a third reading the "bill suspending for a limited time certain provisions of law, and for other purposes;" it was decided in the negative, as follows:

YEAS.

Mr. Bingham,
Mr. Curtis,
Mr. Harding,
Mr. Lee,

Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Richardson,

Mr. Russell,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,

12

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,

Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

29

On motion of Mr. Morton, the House then adjourned until to-morrow morning, at nine o'clock.

Wednesday, March 31, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, the members were all present.

PETITIONS.

Mr. Smith presented the petition of Robert McClelland, and one hundred and eight other citizens of Michigan, for the passage of a law authorizing the establishment of a race course at Monroe, in the county of Monroe. Referred to the committee on agriculture.

Mr. Bingham presented the petition of inhabitants of Washtenaw county relative to the \$5,000,000 loan.

Mr. Coates moved to lay the petition on the table, and that it be printed; which motion was lost; and,

On motion of Mr. Hammond, the consideration of the same was then indefinitely postponed.

Mr. Geddes presented the claim of William Cole, for setting glass in the windows of the capitol. Referred to the committee on claims.

REPORTS.

Mr. Larue, from the committee on claims, to which was referred the claims of Daniel B. Herrington and T. Bathy, submitted a report thereon accompanied by the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be, and they are hereby directed to cause the work done by Daniel B. Herrington and T. Bathy, on the Northern railroad, for which they claim compensation as having been done for, and by authority of the state, and not included in any estimate heretofore made, to be examined and to report to the next legislature what amount, if any, ought to be paid to said claimants, or either of them.

Which resolution was laid on the table for one day according to rule, and the report was also laid on the table.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, March 30, 1841. }

To the Speaker of the House of Representatives:

SIR—Agreeably to the directions of the Senate, I transmit to the House of Representatives “a bill to amend the several acts relative to the militia,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

Also, I return herewith, with the concurrence of the Senate, the “bill further to amend chapter one, title ten, part first of the revised statutes, entitled ‘of religious societies.’”

I am also instructed to inform you, respectfully, that the Senate have appointed a committee of conference on their part, consisting of Senators Witherell, Adam and Leroy, in relation to the disagreement between the Senate and House, on the Senate “bill to amend the law relative to crimes,” and a like committee on the part of the House of Representatives is respectfully requested.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message was twice read, and referred to the committee on the militia.

On motion of Mr. Harding,

A committee was appointed to confer with the committee on the part of the Senate, in relation to the disagreement on the “bill to amend the law relative to crimes,” and the Chair announced as such committee Messrs. Harding, Clark and Porter.

Mr. Metcalf moved that another committee of conference be appointed on Senate “bill in relation to the university and primary school fund,” and that the appointment by the Senate of a like committee be requested; which motion did not prevail.

Mr. Bingham moved to take up the motion laid on the table yesterday, to reconsider the vote of the 29th instant, fixing the day of adjournment of the legislature on the 5th of April next; which motion was negatived by the following vote:

YEAS.

Mr. Bingham,

Mr. Larue,

Mr. Richardson,

Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,

Mr. Lee,
Mr. Leech,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,

Mr. Root,
Mr. Russell,
Mr. M. Spencer,
Mr. Tinney,
Mr. Walker,
Mr. Speaker,

22

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Lamb,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,

Mr. Rogers,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,

29

On motion of Mr. G. Spencer,

Ordered that when the House reaches the general order, it first consider the two bills to apportion anew the representatives and senators among the several counties and districts of the state.

The third reading of bills being in order,

Mr. Walker moved that the further consideration of Senate "bill suspending for a limited time, certain provisions of law, and for other purposes," be postponed until this afternoon at half past two o'clock.

Mr. Leech moved to postpone the consideration of said bill until to-morrow; which motion did not prevail.

The question recurring upon the motion of Mr. Walker, it was decided in the negative.

The said bill was then read a third time, and the question being on its passage,

Mr. Wilcox asked the unanimous consent of the House, to so amend the bill as to extend its provisions to the bank of River Raisin; which request was not granted.

Mr. Smith moved to recommit the bill to the committee on banks and incorporations, with instructions to amend it, by including the bank of River Raisin, amongst the banks enume-

rated in the first or the eighth section, and report it back with as little delay as the case admits.

Mr. Richardson moved to amend the motion so as to include the Bank of Pontiac; which amendment was not adopted.

The question then recurring upon the motion of Mr. Smith, it did not prevail.

Mr. Richardson then moved to recommit, with instructions to strike out from section one, all which relates to the Farmers' and Mechanics' bank of Michigan; which motion did not prevail.

Mr. Leech moved to recommit said bill, with instructions that the committee strike out, in the second line of the first section, the word "state," and insert in lieu thereof the word "bank," and that they add the following proviso to the fifth section, to wit: "*Provided*, no bank shall be entitled to the benefits of this act, which has divided among its stockholders a sum by dividends or otherwise, equal to its capital stock, which fact shall be stated under oath, by the officers of the bank."

And further, that said committee add the following, to stand as an additional section, to wit:

"Sec. — The assets of said banks shall be appraised by three commissioners appointed by the legislature; and if the present indebtedness, except to stockholders, of said bank, exceeds two-thirds the appraised value of the assets, said bank shall not be entitled to benefits conferred by the provisions of this act."

Which motion did not prevail.

Mr. Coates then moved to recommit said bill, with instructions to incorporate the following provision, to wit: "every bank before availing itself of the provisions of this act, shall give security to the satisfaction of the auditor general, for the redemption of its notes on demand, at eighty cents on the dollar;" which motion was negatived.

Mr. Bingham moved to recommit said bill with instructions that the committee add the following to the fifth section, to wit: "*Provided*, that said banks shall not sell or transfer, or in any way hypothecate any of their assets or securities to any person or persons, corporations or others whatever;" which motion did not prevail, the following being the vote thereon:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,

Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

19

NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Hawley,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

29

The question then recurring upon the final passage of said bill, and after some discussion thereon,

Mr. Walker moved to adjourn until two o'clock, P. M.

Mr. Metcalf moved to adjourn until half past two o'clock, P. M.; which motion did not prevail, and the question recurring upon the motion of Mr. Walker, the same prevailed; and the House accordingly adjourned until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the members were all present.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, March 31, 1841. }

SIR—In compliance with the directions of the Senate, I have to inform you that the Senate have concurred in and adopted the report of the committee of conference, on the "bill amendatory to 'An act to amend the revised statutes, 'relative to primary schools,'" approved April 1, 1840."

Also, to inform you respectfully, that the Senate have appointed another committee of conference on their part, consist-

ing of Senators Barry, Champlin and Rice, in relation to the existing disagreement between the Senate and the House, on the "bill relative to the university and primary school fund," and a like committee on the part of the House, is respectfully requested.

And also, to inform you that the Senate have concurred in the House amendments to the Senate "bill to amend an act, entitled 'An act to incorporate the village of Adrian.'"

D. W. KELLOGG,
Secretary of the Senate.

Mr. Sprague moved that the House comply with the request of the Senate, by appointing another committee of conference on the "bill relative to the university and primary school fund;" which motion prevailed by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Sprague,	
Mr. Brown,	Mr. Metcalf,	Mr. Stockton,	
Mr. Castle,	Mr. J. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tyler,	
Mr. Daniels,	Mr. Porter,	Mr. Wilcox,	
Mr. Geddes,	Mr. Rogers,	Mr. Willits,	
Mr. Gillett,	Mr. Root,	Mr. Speaker,	21

NAYS.

Mr. Biddle,	Mr. Larue,	Mr. Pierce,	
Mr. Bingham,	Mr. Lee,	Mr. Redfield,	
Mr. Clark,	Mr. Leech,	Mr. Russell,	
Mr. Coates,	Mr. Morton,	Mr. M. Spencer,	
Mr. Hammond,	Mr. Olin,	Mr. Tinney,	
Mr. Harding,	Mr. Philbrick,		17

And the Chair announced as such committee, Messrs. Sprague, H. L. Miller and Coates.

By general consent, Mr. Harding presented the following claims:

Of Frederick Borchardt, for translating the governor's message into German; and of John Gibson, for services and disbursements as crier of the supreme court; both of which claims were referred to the committee on claims.

Mr. Mather, from the committee on enrolment, reported as correctly enrolled, the following bills, viz: "An act authorizing

the expenditure of five thousand dollars of the appropriation heretofore made for the construction of the Saginaw canal, on the Saginaw turnpike, and for other purposes;" "An act to authorize the township of Owasso to remit certain fines therein named;" "An act to regulate the business of brokers and exchange dealers;" "A preamble and bill relative to the appropriation upon the Northern railroad, and for other purposes;" "An act to incorporate the Adrian church association;" and "An act to amend an act, entitled 'An act to provide for the sale of certain lands to the settlers thereon, and for other purposes,' approved March 25, 1840, and to extend the provisions thereof to persons in this act named."

The House then resumed the unfinished business of this morning, it being the question pending when the House adjourned, to wit: upon the final passage of the Senate "bill suspending for a limited time, certain provisions of law, and for other purposes;" after further discussion on the same,

Mr. Walker moved to adjourn until half past seven o'clock, this evening.

Mr. Metcalf moved to adjourn until to-morrow morning, at nine o'clock; which motion prevailed, and the House accordingly adjourned.

Thursday, April 1, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, the members were all present.

CLAIMS.

Mr. Larue presented the claim of the Detroit post office, for postages charged to the House of Representatives to March 30th, inclusive.

Of the same, for postages charged to the executive and state departments, and library.

And of E. Corning & Co., for railroad spikes furnished the Central railroad; all of which were referred to the committee on claims.

REPORTS.

Mr. Brown, from the committee on the judiciary, to which was referred a resolution instructing them to inquire whether any further legislation was necessary to compel township treasurers to enforce the bonds of township collectors, &c., reported thereupon the following bill: "a bill relative to the duties of township treasurers;" which was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Metcalf, from the committee of conference, to which was referred the difference between the two houses upon the "joint resolution relative to the Southern railroad," reported as the recommendation of the committee, that the House recede from their non-concurrence in the amendment made by the Senate to said resolution, and that they adopt the following, as an amendment to the Senate amendment: "strike out so much of the first proviso, as reads '*Provided*, That the said Southern railroad shall first be completed to the village of Hillsdale,' and in the last proviso, insert between the words '*examination*' and '*by*,' the words '*of both routes.*'"

And the question being upon concurring in the report of the committee, the same was decided in the negative, as follows:

YEAS.

Mr. Castle,
Mr. Geddes,
Mr. Harding,
Mr. Hawley,
Mr. Lamb,

Mr. Leech,
Mr. Mather,
Mr. H. L. Miller,
Mr. Porter,
Mr. Smith,

Mr. Sprague,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

14

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Gillett,

Mr. Hammond,
Mr. Humphrey,
Mr. Larue,
Mr. Lee,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Redfield,
Mr. Richardson,

Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wood,

34

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, March 31, 1841. }

To the Speaker of the House of Representatives:

SIR—Agreeably to instructions by the Senate, I return to the House of Representatives, herewith, the “bill to provide for the protection of Indians, and for other purposes.”

And the “bill to provide for the further construction and preservation of the Clinton and Kalamazoo canal.”

Both of which the Senate have concurred in, and passed.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Larue,

The House took up from the table, for consideration, the joint resolution, and the substitute therefor, reported yesterday by him, from the committee on claims, “authorizing the auditor general to make an equitable settlement with Benjamin Porter and Amasa B. Gibson, late commissioners of the state prison.”

On his motion, the same were again laid on the table, and the substitute was ordered printed on the journal, it being the following, to wit:

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby authorized and directed to settle the accounts and demands existing and unsettled, between the state and Benjamin Porter and Amasa B. Gibson, late commissioners of the state prison: *Provided,* that the full amount of the demand or demands against them, which has been assigned to the state by the Michigan state bank, as well as the full amount of all other claims and demands which the state may justly have against them, either as commissioners or otherwise, shall be set off in such settlement against the full amount of the demand or demands which they, or either of them, may justly have against the state.

Resolved, That upon a settlement being made, in conformity

to the foregoing resolution, the auditor general is hereby authorized to draw his warrant on the treasurer for the payment of such balance, if any, as he shall, on such settlement, find equitably due them, or either of them; or to receive payment from them, or either of them, of such balance, if any, as he shall, on such settlement, find equitably due from them, or either of them, to the state: *Provided*, that no warrant shall be drawn on the treasurer, in effecting any settlement contemplated in this and the foregoing resolution, if the whole amount due from the said Porter and Gibson, aforesaid, shall exceed the whole amount due them from the state.

Mr. Wood, pursuant to previous notice, asked and obtained leave to introduce "a bill for the relief of Chippewa county;" which bill was twice read, referred to the committee of the whole and placed on the general order.

On motion of Mr. Smith,

Resolved, That the auditor general be requested to report to this House, the amount of extra compensation and expenses of every description, since the first of January, 1840, paid to the secretary and treasurer of this state, in consequence of their duties as commissioners of internal improvement; also, the amount of compensation or other expenses paid by the state, for the employment of clerks or other persons, in consequence of the duties of said secretary and treasurer, as members of the board of internal improvement.

The House then resumed the consideration of the unfinished business of yesterday, it being the question pending when the House adjourned, to wit: upon the final passage of the Senate "bill suspending for a limited time, certain provisions of law, and for other purposes," and the subject was further discussed until one o'clock, P. M.; when,

On motion of Mr. Bingham, the House adjourned until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the members were all present.

By general consent, Mr. G. Spencer presented the claim of

Thomas Mosely, for stationery furnished the supreme court; which was referred to the committee on claims.

The House again resumed the consideration of the unfinished business of yesterday; and the question being on the final passage of the Senate "bill suspending for a limited time, certain provisions of law, and for other purposes;" which question, after further discussion, was decided in the affirmative; and the bill was accordingly passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Geddes,	Mr. Renwick,
Mr. Biddle,	Mr. Gillett,	Mr. Rogers,
Mr. Brown,	Mr. Mather,	Mr. Root,
Mr. Castle,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Cook,	Mr. J. Miller,	Mr. Sprague,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Strong,
Mr. Daniels,	Mr. Morton,	Mr. Tyler,
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,
Mr. Drew,	Mr. Porter,	Mr. Willits,

27

NAYS.

Mr. Bingham,	Mr. Larue,	Mr. Smith,
Mr. Bush,	Mr. Lee,	Mr. M. Spencer,
Mr. Clark,	Mr. Leech,	Mr. Stockton,
Mr. Coates,	Mr. Olin,	Mr. Tinney,
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,
Mr. Hammond,	Mr. Redfield,	Mr. Wood,
Mr. Harding,	Mr. Richardson,	Mr. Speaker,
Mr. Lamb,	Mr. Russell,	

23

Before the declaration of the vote by the Speaker, on the final passage of the bill, the question was raised by Mr. Bingham, whether the bill did not require a vote of two-thirds of the House to secure its passage.

The Chair decided, that in his opinion, it did not.

And the question being, shall the decision of the chair stand as the judgment of the House? it was decided in the affirmative, as follows:

YEAS.

Mr. Barlow,	Mr. Harding,	Mr. Renwick,
Mr. Biddle,	Mr. Hawley,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. J. Miller,	Mr. Strong,

Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,

Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

29

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,

Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,

Mr. Richardson,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,

18

The title of said bill being under consideration,

On motion of Mr. Bingham,

It was amended, by striking out the words, "for a limited time."

Mr. Richardson then moved to insert the words, "for an unlimited time," instead of the words stricken out; which motion did not prevail.

The title, as amended, was then adopted.

On motion of Mr. Philbrick, the House adjourned until nine o'clock, to-morrow morning.

Friday, April 2, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Bush, Tyler and Wood, were absent without leave.

Mr. Curtis asked and obtained leave of absence for Mr. Bush, on account of ill health.

REPORTS.

Mr. Barlow, from the committee on banks and incorporations, to which was referred the Senate "bill to authorize Nathaniel E. Mathews, Gideon Mathews and Horace H. Comstock, to erect a dam across the Kalamazoo river," reported the same back to the House, recommending its passage; and the bill was referred to the committee of the whole and placed on the general order,

Mr. Smith, from the committee on militia, to which had been

referred, the Senate bill No. 48, "to amend the several acts relative to the militia," reported the same back with sundry amendments, and recommended its passage; and the bill was referred to the committee of the whole and placed on the general order.

Mr. Mather, from the committee on enrolment, reported as correctly enrolled, "An act amendatory to 'An act to amend the revised statutes, 'relative to primary schools,' 'approved April 1, 1840;" and "An act further to amend chapter one, title ten, part one of the revised statutes, entitled 'of religious societies.' "

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Thursday, April 1, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the House, "joint resolution relative to the River Raisin and Lake Erie railroad company," which the Senate have passed with amendments.

Also, to return the Senate "bill to amend chapter one, title four, part one of the revised statutes," with the amendments to the same made by the House, and inform you respectfully, that the Senate have amended the two first amendments of the House, and concurred in said amendments as amended, and have non-concurred in all the other amendments made by the House to said bill.

I am also instructed by the Senate, to transmit to the House of Representatives, "a bill to amend 'An act to provide for the laying out and establishing certain state roads,' approved April 18, 1839;" and also, "a bill granting certain powers to the Catholic apostolic and Roman church of St. Anne, Detroit," both of which the Senate have passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

The House then concurred in the Senate amendments made

to the "joint resolution relative to the River Raisin and Lake Erie railroad company."

The "bill granting certain powers to the Catholic apostolic and Roman church of St. Anne, Detroit," was twice read; and,

On motion of Mr. Harding,

The thirty-eighth rule, requiring all bills transmitted from the Senate, to be referred to a committee, was suspended; and the bill was then taken up for consideration.

On motion of Mr. Harding,

The second section of the same was amended by striking out of the fifth and sixth lines, the words "and to prove," and by adding the following to said section, to wit:

"And this act shall be conclusive evidence of such property, against all persons not claiming the said lands by title derived from said rector or from said corporation, or by patent from the United States."

The bill was then ordered to a third reading.

On motion of Mr. Smith,

The twenty-second rule, requiring the second and third readings of bills, to be had on different days, was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

The House then non-concurred in the Senate amendments to the House amendments made to the Senate "bill to amend chapter one, title four, part one of the revised statutes."

The "bill to amend 'An act to provide for the laying out and establishing certain state roads,' approved April 18, 1839," was twice read and referred to the committee on roads and bridges.

Mr. Bingham, pursuant to previous notice, obtained leave to introduce a "bill to repeal the charter of the Michigan state bank, and for other purposes;" which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Drew gave notice that he will, on some future day, ask leave to introduce a "bill for the relief of the county of Mackinac."

Mr. Porter offered the following resolution:

Resolved, That five hundred copies of the report of the Senate committee on finance, to which was referred the report of the state treasurer, on the subject of the five million loan, (said report being Senate document No. 36,) be printed and distributed for the use of the members of this House.

Mr. Coates moved to amend said resolution by striking out all after the word "distribute," and inserting the following in lieu thereof, to wit: "for the use of the whig orators on the stump, next fall;" which motion did not prevail.

On motion of Mr. Bingham,

The following was then added to said resolution, "and that all the testimony taken by that committee, and filed in the office of the secretary of state, be printed."

Mr. Coates moved to further amend the resolution by adding the following thereto, to wit: "and also the testimony produced before the joint committee of the legislature of the session of 1839, which is now on file in the secretary of state's office;" which amendment was not adopted.

On motion of Mr. Stockton,

The words following were then added to said resolution, to wit: "under the direction of the committee on printing."

Mr. Smith then moved to further amend the resolution by striking out "five hundred copies," and inserting in lieu thereof, "fifty copies."

A division of the question was ordered, when the House refused to strike out.

Mr. Coates then moved to so amend the resolution as to order printed the report of the commissioners to settle with the state bank, in lieu of the report of the Senate committee on finance; which amendment did not prevail, and the resolution as amended, was then adopted.

On motion of Mr. Harding,

The House took up from the table the bill to alter the terms of the court of chancery in the fourth and fifth circuits;" and the House then concurred in the amendments of the Senate to said bill, and passed the same accordingly.

On motion of Mr. Porter,

The House took up for consideration the joint resolution reported and laid on the table on the 31st ultimo, relative to the claims of D. B. Herrington and T. Bathy.

Mr. Porter then moved to amend the same by striking out all after the word "made," and inserting the following in lieu thereof, to wit: "and to allow and pay said estimates if they shall deem such payment just and equitable, in the same manner as they have heretofore paid the estimates of engineers for work done upon the said road;" which motion did not prevail; the said resolution was then adopted.

On motion of Mr. Harding,

The committee of the whole was discharged from the further consideration of the Senate "bill to amend the charter of the city of Detroit," and the same was taken up in the House.

The amendments to said bill reported by the committee on the judiciary, were all adopted except the amendment to the seventh section; which amendment,

On motion of Mr. Harding,

Was amended by striking out all of that section; on his motion also, the twenty-seventh section of said bill was amended by striking out the words, "its passage," and inserting in lieu thereof the words "the second Monday of April, 1841."

Mr. Smith then moved to further amend said bill, by adding the following proviso to the last section, to wit: "*Provided*, the foregoing bill shall first receive the assent of the common council of the city of Detroit, and after receiving such assent the said bill shall be printed at length in one of the city papers, for at least one month previous to the next charter election to be held in said city, and at the said election the question shall be submitted to the freemen of said city, whether this bill is desired by them, in the following manner: ballots shall be prepared having the word "amendment," and others with the words "no amendment," printed or written thereon, and duly deposited by said freemen in a separate box, and the majority of said ballots shall decide the question, whether this bill shall become a law, or shall be null and void;" which amendment was not adopted; the bill was then ordered to a third reading.

The House then resolved itself into committee of the whole, on the "bill to amend an act entitled 'An act for the regulation of internal improvement,' approved March 25th;" Mr. Cook in the chair.

After some time spent thereon, the committee rose, and reported the bill back to the House without amendment, and the same was taken up in the House.

Mr. G. Spencer moved to indefinitely postpone the further consideration of the bill; when,

On motion of Mr. Hammond, a call of the House was ordered.

Mr. Barlow moved to adjourn; which motion did not prevail.

And the roll being called, Messrs. Drew, Curtis and Wood, were found absent without leave.

The sergeant-at-arms was then directed to bring in the absentees.

Whereupon, on motion of Mr. Coates, the House adjourned until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the members were all present, except those absent on leave.

Mr. G. Spencer obtained the unanimous consent of the House, to introduce "a bill amendatory of the revised statutes, 'relative to the sale of real estate by executors and administrators;'" which bill was twice read, referred to the committee of the whole, and placed on the general order.

On motion of Mr. G. Spencer,

The further proceedings under the call of this morning, were dispensed with; and,

On motion of Mr. Smith, a new call of the House was ordered.

The roll being called, Messrs. Bingham, Dolsen, Hawley, Humphrey and Wood, were absent without leave.

The sergeant-at-arms was directed to procure the attendance of the absentees.

After a short time, several of the absent members appearing in their seats,

Mr. G. Spencer moved to dispense with the further proceedings under the call; which motion did not prevail.

Pending the call of the House, by general consent,

On motion of Mr. Larue,

The committee of the whole was discharged from the further consideration of the "bill making appropriation for payment for railroad iron, purchased of Hicks & Co., of the city of New York, in 1838," and the same was taken up in the House.

On his motion, the blank in said bill was then filled with the sum of "sixty-five thousand nine hundred and seventy-two dollars and sixty-two cents."

On his motion, also, the said bill was further amended, by striking out the word "July," in the fourth line, and inserting in lieu thereof, the words "April, July and October," and by inserting in the same line, after the word "loan," the words following, to wit: "in equal proportions, as near as may be."

The said bill was then ordered to a third reading.

On motion of Mr. Daniels,

The twenty-second rule was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

Also, by general consent, on motion of Mr. Daniels,

The committee of the whole was discharged from the further consideration of the "bill amendatory to an act, entitled 'An act for the preservation of railroads belonging to the state,' approved December 30, 1837;" and the same was taken up in the House.

On motion of Mr. G. Spencer, the following proviso was added to the first section, to wit:

"Provided, Such railroad company have full and entire right to, and property in, and possession of, the land or right of way over which such road passes."

The question then being upon ordering said bill to a third reading, it was decided in the negative, as follows:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,

Mr. Gillett,
Mr. Hawley,
Mr. Leech,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Pierce,
Mr. Renwick,

Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

23

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Harding,
Mr. Humphrey,

Mr. Lamb,
Mr. Larue,
Mr. Lee,
Mr. H. L. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,

Mr. Redfield,
Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,

24

On motion of Mr. Hammond,

The further proceedings under the call of this afternoon, were then dispensed with, and the House resumed the consideration of the unfinished business of this morning.

The question being upon the motion of Mr. G. Spencer, to indefinitely postpone the further consideration of bill number forty-two, "a bill to amend an act, entitled 'An act for the regulation of internal improvement,' approved March 25, 1840," the same was negatived, as follows:

YEAS.

Mr. Biddle,
Mr. Cook,
Mr. Copeland,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Harding,
Mr. Mather,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,

Mr. Porter,
Mr. Renwick,
Mr. Root,
Mr. G. Spencer,
Mr. Strong,

17

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Curtis,
Mr. Daniels,
Mr. Drew,

Mr. Larue,
Mr. Lee,
Mr. Leech,
Mr. J. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,

Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,

Mr. Hammond,
Mr. Hawley,
Mr. Humphrey,

Mr. Rogers,
Mr. Russell,

Mr. Wood,
Mr. Speaker,

31

Mr. Hammond moved to amend the bill by striking out in the first section, all between the words "to wit," in the fourth line, and the words "in case," in the fourteenth line, and inserting in lieu thereof the following:

"That from and after the passage of this act, the board of internal improvement shall consist of two persons, who shall be appointed by the governor, by and with the advice and consent of both branches of the legislature, in joint convention; and the _____ of the state, for the time being, who shall be ex-officio president of the board. The persons so appointed, shall hold their offices for one year, and until their successors shall be appointed, and shall receive for their services three dollars per day, when actually employed as commissioners, and when sitting as a board, in full compensation, including all expenses; but the _____ shall receive no compensation for his services as president of the board, but shall be paid for traveling expenses."

Which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Bush,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,
Mr. Rogers,

Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Tinney,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

35

NAYS.

Mr. Castle,
Mr. Cook,
Mr. Curtis,

Mr. Lee,
Mr. Leech,
Mr. Metcalf,

Mr. H. L. Miller,
Mr. Porter,
Mr. Stockton,

9

Mr. Wilcox moved to fill the blank, in said bill, with "state treasurer; which motion was lost, as follows:

YEAS.

Mr. Barlow,	Mr. Geddes,	Mr. Redfield,
Mr. Biddle,	Mr. Hammond,	Mr. Richardson,
Mr. Brown,	Mr. Harding,	Mr. Root,
Mr. Castle,	Mr. Humphrey,	Mr. Strong,
Mr. Cook,	Mr. Larue,	Mr. Walker,
Mr. Daniels,	Mr. Olin,	Mr. Wilcox,
Mr. Drew,		

19

NAYS.

Mr. Bingham,	Mr. Metcalf,	Mr. Russell,
Mr. Bush,	Mr. J. Miller,	Mr. Smith,
Mr. Curtis,	Mr. H. L. Miller,	Mr. M. Spencer,
Mr. Dolsen,	Mr. Morton,	Mr. Sprague,
Mr. Gillett,	Mr. Philbrick,	Mr. Stockton,
Mr. Hawley,	Mr. Pierce,	Mr. Tinney,
Mr. Lee,	Mr. Porter,	Mr. Willits,
Mr. Leech,	Mr. Kenwick,	Mr. Wood,
Mr. Mather,	Mr. Rogers,	Mr. Speaker,

27

Mr. Smith moved to fill the blank with "governor," which motion was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. J. Miller,	Mr. Smith,
Mr. Biddle,	Mr. Morton,	Mr. M. Spencer,
Mr. Brown,	Mr. Olin,	Mr. Sprague,
Mr. Gillett,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Renwick,	Mr. Wilcox,
Mr. Hawley,	Mr. Rogers,	Mr. Willits,
Mr. Humphrey,	Mr. Root,	Mr. Wood,
Mr. Lamb,	Mr. Russell,	Mr. Speaker,

24

NAYS.

Mr. Bingham,	Mr. Drew,	Mr. H. L. Miller,
Mr. Bush,	Mr. Geddes,	Mr. Philbrick,
Mr. Castle,	Mr. Harding,	Mr. Pierce,
Mr. Coates,	Mr. Larue,	Mr. Porter,
Mr. Cook,	Mr. Lee,	Mr. Richardson,
Mr. Curtis,	Mr. Leech,	Mr. Stockton,
Mr. Daniels,	Mr. Mather,	Mr. Strong,
Mr. Dolsen,	Mr. Metcalf,	Mr. Tinney,

24

Mr. Coates moved to fill the blank with "state printer;" which motion was also negatived, as follows:

YEAS.

Mr. Bingham,	Mr. Lamb,	Mr. Porter,
Mr. Bush,	Mr. Leech,	Mr. Renwick,
Mr. Coates,	Mr. Mather,	Mr. Rogers,
Mr. Cook,	Mr. Metcalf,	Mr. Root,

Mr. Curtis,
Mr. Dolsen,
Mr. Gillett,
Mr. Harding,

Mr. H. L. Miller,
Mr. Morton,
Mr. Philbrick,
Mr. Pierce,

Mr. Stockton,
Mr. Strong,
Mr. Wilcox,
Mr. Wood,

24

• NAYS.

Mr. Barlow,
Mr. Biddle,
Mr. Brown,
Mr. Castle,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Geddes,
Mr. Hammond,

Mr. Hawley,
Mr. Humphrey,
Mr. Larue,
Mr. Lee,
Mr. J. Miller,
Mr. Olin,
Mr. Redfield,
Mr. Richardson,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Tinney,
Mr. Walker,
Mr. Willits,
Mr. Speaker,

25

Mr. Smith moved to reconsider the vote by which the amendment offered by Mr. Hammond, had been adopted.

Mr. Larue moved as an amendment to the last motion, that the vote of the House, refusing to fill the blank with "governor," be reconsidered; which motion did not prevail.

The question then recurring upon Mr. Smith's motion to reconsider, the same was lost, by yeas and nays, as follows:

YEAS.

Mr. Barlow,
Mr. Castle,
Mr. Cook,
Mr. Curtis,
Mr. Hammond,
Mr. Lamb,
Mr. Larue,

Mr. Lee,
Mr. Olin,
Mr. Redfield,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,

Mr. Sprague,
Mr. Stockton,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

19

NAYS.

Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Coates,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,

Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,
Mr. Humphrey,
Mr. Leech,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,

Mr. H. L. Miller,
Mr. Morton,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,
Mr. Strong,
Mr. Tinney,

27

Mr. Hawley moved to reconsider the vote refusing to fill the blank in the bill, with "state printer," which motion did not prevail.

Mr. Bingham moved to fill the blank with "president of bank of Michigan;" which motion did not prevail.

Mr. Pierce moved that the bill be made the special order for the fourth day of July, next; which motion was decided as follows:

YEAS.

Mr. Biddle,	Mr. Harding,	Mr. Pierce,
Mr. Brown,	Mr. Hawley,	Mr. Porter,
Mr. Castle,	Mr. Lamb,	Mr. Renwick,
Mr. Cook,	Mr. Larue,	Mr. Rogers,
Mr. Copeland,	Mr. Leech,	Mr. Root,
Mr. Dolsen,	Mr. Mather,	Mr. G. Spencer,
Mr. Geddes,	Mr. Metcalf,	Mr. Strong,
Mr. Gillett,	Mr. Morton,	

28

NAYS.

Mr. Barlow,	Mr. Lee,	Mr. M. Spencer,
Mr. Bingham,	Mr. J. Miller,	Mr. Sprague,
Mr. Bush,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Coates,	Mr. Olin,	Mr. Tinney,
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,
Mr. Daniels,	Mr. Redfield,	Mr. Wilcox,
Mr. Drew,	Mr. Richardson,	Mr. Willits,
Mr. Hammond,	Mr. Russell,	Mr. Wood,
Mr. Humphrey,	Mr. Smith,	Mr. Speaker,

27

Mr. Smith moved to amend the first section, by striking out "two," and inserting in lieu thereof, "three," where the word refers to commissioners; by striking out the 8th, 9th and 10th lines, and all after the 18th line of the same section.

Mr. Cook moved to amend the amendment, so as to allow the commissioners two dollars and fifty cents per day, instead of three dollars; which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Rogers,
Mr. Bush,	Mr. Leech,	Mr. Russell,
Mr. Cook,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Curtis,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,
Mr. Harding,	Mr. Porter,	Mr. Willits,
Mr. Humphrey,	Mr. Redfield,	

20

NAYS.

Mr. Barlow,	Mr. Geddes,	Mr. Olin,
Mr. Biddle,	Mr. Gillett,	Mr. Smith,
Mr. Brown,	Mr. Hammond,	Mr. M. Spencer,
Mr. Castle,	Mr. Hawley,	Mr. Stockton,

Mr. Copeland,	Mr. Lamb,	Mr. Walker,	
Mr. Dolsen,	Mr. J. Miller,	Mr. Wood,	
Mr. Drew,	Mr. Morton,	Mr. Speaker,	21

Mr. Porter then moved to amend Mr. Smith's amendment, by inserting in the 4th line, after the word "persons," the following: "one of whom shall reside north of the base line."

Mr. Strong moved to indefinitely postpone the further consideration of the bill; which motion was lost, by the following vote:

YEAS.

Mr. Biddle,	Mr. Hawley,	Mr. Pierce,	
Mr. Brown,	Mr. Lamb,	Mr. Porter,	
Mr. Cook,	Mr. Larue,	Mr. Renwick,	
Mr. Copeland,	Mr. Mather,	Mr. Rogers,	
Mr. Dolsen,	Mr. Metcalf,	Mr. Root,	
Mr. Geddes,	Mr. J. Miller,	Mr. G. Spencer,	
Mr. Gillett,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Harding,	Mr. Morton,		23

NAYS.

Mr. Barlow,	Mr. Lee,	Mr. Stockton,	
Mr. Bush,	Mr. Leech,	Mr. Tinney,	
Mr. Castle,	Mr. Redfield,	Mr. Walker,	
Mr. Curtis,	Mr. Richardson,	Mr. Wilcox,	
Mr. Daniels,	Mr. Russell,	Mr. Willits,	
Mr. Drew,	Mr. Smith,	Mr. Wood,	
Mr. Hammond,	Mr. M. Spencer,	Mr. Speaker,	
Mr. Humphrey,	Mr. Sprague,		23

Mr. Strong moved to recommit said bill to the committee on internal improvement, with instructions to shape the bill so as to provide for the appointment of two acting commissioners and one ex-officio commissioner.

Mr. Harding moved to amend the motion, by adding thereto the following, to wit: "*And provided further*, that one of the acting commissioners shall reside north of the base line."

A division of the question was then ordered, when the motion to recommit was lost, by the following vote:

YEAS.

Mr. Biddle,	Mr. Gillett,	Mr. Morton,
Mr. Castle,	Mr. Harding,	Mr. Pierce,
Mr. Cook,	Mr. Hawley,	Mr. Porter,
Mr. Copeland,	Mr. Larue,	Mr. Root,

Mr. Dolsen,	Mr. Metcalf,	Mr. Strong,	
Mr. Geddes,	Mr. H. L. Miller,		17

NAYS.

Mr. Barlow,	Mr. Leech,	Mr. M. Spencer,	
Mr. Bingham,	Mr. J. Miller,	Mr. G. Spencer,	
Mr. Brown,	Mr. Olin,	Mr. Sprague,	
Mr. Bush,	Mr. Philbrick,	Mr. Stockton,	
Mr. Coates,	Mr. Redfield,	Mr. Tinney,	
Mr. Curtis,	Mr. Renwick,	Mr. Walker,	
Mr. Drew,	Mr. Richardson,	Mr. Wilcox,	
Mr. Hammond,	Mr. Rogers,	Mr. Willits,	
Mr. Humphrey,	Mr. Russell,	Mr. Wood,	
Mr. Lamb,	Mr. Smith,	Mr. Speaker,	
Mr. Lee,			31

Mr. Morton moved to postpone indefinitely the further consideration of the bill; which motion was decided in the negative, as follows:

YEAS.

Mr. Biddle,	Mr. Gillett,	Mr. Morton,	
Mr. Brown,	Mr. Harding,	Mr. Pierce,	
Mr. Castle,	Mr. Hawley,	Mr. Porter,	
Mr. Cook,	Mr. Lamb,	Mr. Renwick,	
Mr. Copeland,	Mr. Larue,	Mr. Rogers,	
Mr. Dolsen,	Mr. Mather,	Mr. Root,	
Mr. Drew,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Geddes,	Mr. J. Miller,	Mr. Strong,	24

NAYS.

Mr. Barlow,	Mr. H. L. Miller,	Mr. Sprague,	
Mr. Bush,	Mr. Olin,	Mr. Stockton,	
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,	
Mr. Coates,	Mr. Redfield,	Mr. Walker,	
Mr. Daniels,	Mr. Richardson,	Mr. Wilcox,	
Mr. Hammond,	Mr. Russell,	Mr. Willits,	
Mr. Humphrey,	Mr. Smith,	Mr. Wood,	
Mr. Lee,	Mr. M. Spencer,	Mr. Speaker,	
Mr. Leech,			25

The question recurring on the amendment offered by Mr. Porter, to that offered by Mr. Smith, the same was adopted, by the following vote:

YEAS.

Mr. Biddle,	Mr. Larue,	Mr. Redfield,
Mr. Bush,	Mr. Lee,	Mr. Richardson,
Mr. Castle,	Mr. Leech,	Mr. Root,
Mr. Coates,	Mr. Mather,	Mr. Russell,

Mr. Curtis,
Mr. Dolsen,
Mr. Drew,
Mr. Hammond,
Mr. Harding,
Mr. Humphrey,
Mr. Lamb,

Mr. Metcalf,
Mr. H. L. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,

Mr. Smith,
Mr. Tinney,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

31

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,

Mr. Gillett,
Mr. Hawley,
Mr. J. Miller,
Mr. Pierce,
Mr. Renwick,

Mr. Rogers,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Stockton,
Mr. Strong,

16

Mr. Metcalf then moved the indefinite postponement of the further consideration of the bill; which motion was negatived, as follows:

YEAS.

Mr. Biddle,
Mr. Bingham,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,

Mr. Gillett,
Mr. Harding,
Mr. Hawley,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,

Mr. Morton,
Mr. Pierce,
Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. Strong,
Mr. Walker,

23

NAYS.

Mr. Barlow,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Curtis,
Mr. Daniels,
Mr. Hammond,
Mr. Humphrey,
Mr. Lee,

Mr. Leech,
Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tinney,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

25

Mr. Cook then moved to lay the whole subject on the table, which motion did not prevail.

The question then recurring upon the adoption of the amendment of Mr. Smith, as amended, the same prevailed, by the following vote:

YEAS.

Mr. Barlow,
Mr. Bingham,

Mr. Lee,
Mr. Leech,

Mr. Russell,
Mr. Smith,

Mr. Bush,	Mr. J. Miller,	Mr. Stockton,	
Mr. Castle,	Mr. H. L. Miller,	Mr. Tinney,	
Mr. Coates,	Mr. Philbrick,	Mr. Wilcox,	
Mr. Curtis,	Mr. Porter,	Mr. Willits,	
Mr. Hammond,	Mr. Redfield,	Mr. Wood,	
Mr. Humphrey,	Mr. Richardson,	Mr. Speaker,	
Mr. Lamb,			25

NAYS.

Mr. Biddle,	Mr. Gillett,	Mr. Renwick,	
Mr. Brown,	Mr. Harding,	Mr. Rogers,	
Mr. Cook,	Mr. Hawley,	Mr. Root,	
Mr. Copeland,	Mr. Larue,	Mr. M. Spencer,	
Mr. Daniels,	Mr. Mather,	Mr. Sprague,	
Mr. Dolsen,	Mr. Metcalf,	Mr. Strong,	
Mr. Drew,	Mr. Morton,	Mr. Walker,	
Mr. Geddes,	Mr. Pierce,		23

The bill was then ordered engrossed for a third reading, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Russell,	
Mr. Bingham,	Mr. Lamb,	Mr. Smith,	
Mr. Bush,	Mr. Lee,	Mr. Stockton,	
Mr. Castle,	Mr. Leech,	Mr. Tinney,	
Mr. Coates,	Mr. J. Miller,	Mr. Wilcox,	
Mr. Curtis,	Mr. Philbrick,	Mr. Willits,	
Mr. Daniels,	Mr. Porter,	Mr. Wood,	
Mr. Drew,	Mr. Redfield,	Mr. Speaker,	
Mr. Hammond,	Mr. Richardson,		26

NAYS.

Mr. Biddle,	Mr. Hawley,	Mr. Renwick,	
Mr. Brown,	Mr. Larue,	Mr. Rogers,	
Mr. Cook,	Mr. Mather,	Mr. Root,	
Mr. Copeland,	Mr. Metcalf,	Mr. M. Spencer,	
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Sprague,	
Mr. Geddes,	Mr. Morton,	Mr. Strong,	
Mr. Gillett,	Mr. Olin,	Mr. Walker,	
Mr. Harding,	Mr. Pierce,		23

When, on motion of Mr. Bingham, the House adjourned until nine o'clock, to-morrow morning.

Saturday, April 3, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Dolsen and Wood, were absent without leave.

Mr. Biddle presented the memorial of the citizens of Detroit, against any further alteration of their city charter, until the same has been presented to them for consideration. Laid on the table.

REPORTS.

Mr. Castle, from the committee on roads and bridges, to which had been referred Senate "bill to amend 'An act to provide for the laying out and establishing certain state roads,' approved April 18, 1839," reported the same back with sundry amendments, recommending its passage; and the bill was referred to the committee of the whole, and placed on the general order.

Mr. Sprague, from the committee of conference appointed by the House, to confer with the Senate committee, in relation to the disagreement between the two houses on House bill number fifty-seven, entitled "a bill relative to the duties of the superintendent of public instruction, and for other purposes," and Senate bill number thirty-four, "in relation to the university and primary school fund," reported as their recommendation, that the House recede from its amendments to the Senate bill, and that the House pass said bill as it came from the Senate.

The House non-concurred in the report of the committee, by the following vote:

YEAS.

Mr. Barlow,	Mr. H. L. Miller,	Mr. Strong,
Mr. Brown,	Mr. Porter,	Mr. Walker,
Mr. Castle,	Mr. Rogers,	Mr. Wilcox,
Mr. Coates,	Mr. Root,	Mr. Willits,
Mr. Copeland,	Mr. Sprague,	Mr. Wood,
Mr. Geddes,	Mr. Stockton,	Mr. Speaker,
Mr. Gillett,		

19

NAYS.

Mr. Biddle,	Mr. Larue,	Mr. Philbrick,
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Mr. Bingham,
Mr. Cook,
Mr. Curtis,
Mr. Daniels,
Mr. Hammond,
Mr. Harding,
Mr. Humphrey,
Mr. Lamb,

Mr. Lee,
Mr. Leech,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,

Mr. Pierce,
Mr. Redfield,
Mr. Renwick,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,

25

Mr. Richardson, from the committee on the judiciary, to which had been referred the several bills in relation to the Detroit and Pontiac railroad, reported the same back to the House, with a substitute therefor, entitled "a bill to provide for a settlement with the Detroit and Pontiac railroad company;" which was twice read, referred to the committee of the whole, and placed on the general order; and the original bills were laid on the table.

The Chair announced a communication from the state treasurer, in reply to a resolution adopted on the 31st ultimo, in relation to the kind of funds received into the treasury during the last six months; which communication was referred to the committee on ways and means.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Friday, April 2, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the Senate "bill relative to postponing sales by sheriffs and other officers," with amendments by the Senate, to the House amendments, in which the concurrence of the House is respectfully asked.

Also, to return the House "joint resolution relative to the Southern railroad," and inform you, respectfully, that the Senate have receded from its amendments to the same, and passed the resolution accordingly.

And further, sir, I am directed to inform you, that the Senate have concurred in the amendments by the House, to the

Senate "bill granting certain powers to the Catholic apostolic and Roman church of St. Anne, Detroit."

D. W. KELLOGG,

Secretary of the Senate.

The House then concurred in the amendments of the Senate to the House, amendments made to the bill "relative to postponing sales by sheriffs and other officers," and passed the same accordingly.

On motion of Mr. H. L. Miller,

The House took up from the table the motion to reconsider the vote adopting the joint resolution fixing the day for the adjournment of the legislature on the 5th instant.; and the motion to reconsider then prevailed.

The question then recurring upon the adoption of said resolution,

Mr. Pierce moved to amend the same, by striking out the "5th," and inserting the "8th."

Mr. Hammond moved to amend the amendment so as to fix the day of adjournment on the 7th instant; which motion did not prevail.

The question recurring upon the motion of Mr. Pierce, the same prevailed; and the resolution, as amended, was then adopted.

Mr. Bingham then moved to reconsider the vote adopting said resolution.

Mr. Metcalf moved to lay the motion to reconsider on the table; which motion did not prevail.

The question then recurring upon the motion of Mr. Bingham to reconsider, it did not prevail.

On motion of Mr. Hammond,

Ordered, that the clerk do forthwith transmit to the Senate, for their concurrence, the said resolution.

On motion of Mr. G. Spencer,

The House took up the joint resolution from the Senate, "relative to a certain state warrant;" and the same was then considered and adopted.

On motion of Mr. Walker,

Ordered, that when the House has considered Senate bill number four, and House bill number one hundred and twelve, House bill number one hundred and fourteen be next considered.

Mr. Wilcox gave notice that he should ask leave, at some future day, to introduce "a bill to amend an act, entitled 'An act to suspend certain provisions of law, and for other purposes,' approved April —, 1841."

Agreeably to previous notice, Mr. Drew asked and obtained leave to introduce "a bill for the relief of the county of Mackinaw;" which bill was twice read, and referred to the committee on ways and means.

The "bill to amend the charter of the city of Detroit," was then taken up for a third reading; and,

On motion of Mr. Biddle, the same was laid on the table.

The "bill to amend an act, entitled 'An act for the regulation of internal improvement,' approved March 25, 1840," was then read a third time, when,

On motion of Mr. Metcalf,

A call of the House was ordered; and the roll being called, Messrs. Dolsen and Leech were absent without leave.

On motion of Mr. G. Spencer,

The further proceedings under the call were dispensed with.

After some debate, Mr. Smith again moved a call of the House; which motion was not sustained.

The question being then taken on the final passage of said bill, the same was lost, by the following vote:

YEAS.

Mr. Barlow,	Mr. Lee,	Mr. Sprague,
Mr. Bingham,	Mr. Leech,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Wilcox,
Mr. Daniels,	Mr. Richardson,	Mr. Willits,
Mr. Hammond,	Mr. Russell,	Mr. Speaker,
Mr. Humphrey,	Mr. Smith,	

20

NAYS.

Mr. Biddle,	Mr. Lamb,	Mr. Porter,
Mr. Brown,	Mr. Larue,	Mr. Renwick,
Mr. Castle,	Mr. Mather,	Mr. Rogers,

Mr. Cook,	Mr. Metcalf,	Mr. Root,	
Mr. Copeland,	Mr. J. Miller,	Mr. M. Spencer,	
Mr. Geddes,	Mr. H. L. Miller,	Mr. G. Spencer,	
Mr. Gillett,	Mr. Morton,	Mr. Strong,	
Mr. Harding,	Mr. Olin,	Mr. Tyler,	
Mr. Hawley,	Mr. Pierce,	Mr. Walker,	27

The House then resolved itself into committee of the whole, on Senate bill number four, "to apportion anew the representatives and senators among the several counties and districts of the state," and the House bill number one hundred and twelve, "to apportion anew the representatives and Senators among the several counties and districts of this state;" Mr. Daniels in the chair.

After some time spent thereon, the committee rose, reported progress, and asked leave to sit again; whereupon,

On motion of Mr. Daniels, the House adjourned until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Richardson, Sprague and Wood were absent without leave.

The Speaker called Mr. Larue to the chair, and after retiring therefrom, sent up to the Chair the following communication, tendering to the House, his resignation of the office of Speaker, to wit:

To the House of Representatives :

GENTLEMEN—Within the last few days, information has reached me, of a nature which, in my own estimation, and in that of some friends whom I have consulted, not only justifies, but seems to require, the measure I now adopt; that measure is, tendering, as I now do, to this House, my resignation of the office of Speaker.

In doing this, it is but justice to myself to say, that nothing but a combination of circumstances beyond my control, and of rather an imperative character, could have conquered my repugnance to thus interrupting the ordinary business of legislation.

PHILO C. FULLER.

House of Representatives, Detroit, April 3, 1841.

The above communication having been read,

Mr. Barlow nominated Mr. Larue for Speaker, *pro tempore*; and,

The question upon this motion having been put by the clerk, Mr. Larue was unanimously chosen Speaker, *pro tempore*.

Mr. Bingham then offered the following resolution, which was unanimously adopted:

Resolved, unanimously, That the thanks of this House be, and they are hereby presented to the honorable Philo C. Fuller, for the able, faithful, and dignified discharge of the duties of presiding officer of this body.

When Mr. Fuller arose and addressed the House as follows:

MR. SPEAKER—Allow me, through you, to return to this House, an expression of my heartfelt acknowledgment, for the resolution now adopted.

I will not detain you, sir, or the House, by an attempt to give full utterance to my present feelings. I cannot do it.

So far as the resolution is an evidence of success in my well meant exertions to administer the duties of the chair, justly and impartially, it possesses a value which, I trust, is truly appreciated; so far as it may be considered an expression of kindness and good will, it is fully reciprocated, and can never be forgotten.

For the order and decorum which has characterized the deliberations of this House, gentlemen are far more indebted to themselves, than to any tact of mine; indeed, where that quick sense of propriety and prompt observance of rules prevail, which I am free to say prevail here, very little of effort or skill, on the part of the chair, is required.

To the friendly associations of the past winter, I shall long recur with unmingled delight; and whatever may be my position, either temporary or permanent, I shall not cease to feel a deep concern for, and promote, as far as in me lies, the best interest and welfare of this beloved state, and the members of this House, by whom it is represented.

Mr. Harding then moved that the House proceed to nomi-

nate, *viva voce*, a permanent Speaker; which motion prevailed; when

Mr. Renwick nominated John Biddle.

Mr. Curtis nominated Kinsley S. Bingham, and the names of the members being called, they severally voted as follows:

FOR JOHN BIDDLE,

Mr. Barlow,	Mr. Gillett,	Mr. Porter,
Mr. Brown,	Mr. Harding,	Mr. Renwick,
Mr. Castle,	Mr. Hawley,	Mr. Rogers,
Mr. Cook,	Mr. Lamb,	Mr. Root,
Mr. Copeland,	Mr. Mather,	Mr. G. Spencer,
Mr. Daniels,	Mr. Metcalf,	Mr. Strong,
Mr. Dolsen,	Mr. J. Miller,	Mr. Tyler,
Mr. Drew,	Mr. H. L. Miller,	Mr. Wilcox,
Mr. Fuller,	Mr. Morton,	Mr. Willits,
Mr. Geddes,	Mr. Pierce,	Speaker, <i>pro tem.</i> 30

FOR KINSLEY S. BINGHAM,

Mr. Coates,	Mr. Leech,	Mr. Russell,
Mr. Curtis,	Mr. Olin,	Mr. M. Spencer,
Mr. Hammond,	Mr. Philbrick,	Mr. Tinney,
Mr. Humphrey,	Mr. Redfield,	Mr. Walker,
Mr. Lee,		13

FOR CHARLES Q. HAMMOND,

Mr. Bingham,	1
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FOR JAMES B. LARUE,

Mr. Biddle,	1
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FOR JOHN STOCKTON,

Mr. Smith,	1
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FOR HENRY SMITH,

Mr. Stockton,	1
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Whereupon, the Chair announced John Biddle as duly chosen Speaker of the House.

Upon taking the chair, the Speaker addressed the House as follows:

Gentlemen of the House of Representatives:

In assuming the duties of the chair for the brief remnant of the session, it would be inappropriate to detain you with any remarks. I will not, however, deny myself the privilege of expressing to you my sense of gratification at the consideration shown me, in calling upon me to preside over your delibe-

rations. If I had acted from considerations of discretion, I should have been led to decline the honor. Although but few days of the session remain, the period yet to elapse, is that in which a familiarity with the rules of order and with the routine of legislation, is most necessary. My knowledge of these subjects was never great, and that knowledge is not derived from any recent practice. I can only, therefore, pledge myself for a sincere desire to discharge these duties satisfactorily, and for the rest must rely on the indulgence of the House. Much important business remains to be dispatched within a brief space, and I trust the House will continue to discharge its duties with its accustomed diligence.

On motion of Mr. G. Spencer,

Resolved, That a committee of two be appointed by this House, to wait upon the honorable the Senate, and inform that body, that this House has duly elected John Biddle as Speaker of this House, to supply the vacancy occasioned by the resignation of the honorable Philo C. Fuller.

The Chair announced as such committee, Messrs. G. Spencer and Renwick.

On motion of Mr. Harding,

Resolved, That a committee of two be appointed, to wait upon the executive, and inform him that the House of Representatives have made choice of honorable John Biddle, as their Speaker, to supply the vacancy occasioned by the resignation of the honorable Philo C. Fuller.

The Chair announced as such committee, Messrs. Harding and Larue.

Mr. Stockton moved that the House adjourn until Monday morning, at 9 o'clock; which motion was lost.

Mr. Harding, from the committee appointed to wait upon the executive, and inform him that the House had made choice of the honorable John Biddle, as their Speaker, to supply the vacancy occasioned by the resignation of the honorable Philo C. Fuller, reported that the committee had discharged that duty.

Mr. G. Spencer, from the committee appointed to wait upon

the Senate, for the same purpose, reported that the committee had discharged the duty assigned it.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts, viz:

"An act to amend an act entitled 'An act to provide for the sale of certain lands to the settlers thereon, and for other purposes,' approved March 25, 1840, and to extend the provisions thereof to persons in this act named."

"An act to authorize the township of Owasso to remit certain fines therein named."

"An act to regulate the business of brokers and exchange dealers."

"An act to amend part three, title three, chapter one, section seven, (page 465,) of the revised statutes."

"An act relative to jurors."

"An act to extend the boundary lines of certain townships therein named."

"An act to amend chapter five, title four, part three of the revised statutes, 'relating to proceedings in replevin.'"

"An act to amend chapter two, title three and part three of the revised statutes, entitled 'of the action of ejectment.'"

"An act to alter the boundary lines of the township of Kearsley, in the county of Genesee."

"An act to authorize the secretary of state to sell a portion of the revised statutes."

"An act to incorporate the Adrian church association."

"An act authorizing the expenditure of five thousand dollars of the appropriation heretofore made for the construction of the Saginaw canal, on the Saginaw turnpike, and for other purposes."

Also, "An act entitled preamble and bill relative to the appropriation upon the Northern railroad, and for other purposes."

Also, "a joint resolution to provide for binding the manuscript journals of the Senate and House of Representatives."

J. WRIGHT GORDON.

Executive Office, April 2, 1841.

Also, the following:

To the House of Representatives:

I would hereby respectfully inform you, that I am prepared, and shall be pleased to submit to the two branches of the legislature, in joint convention, at such time as shall suit their convenience, and as they may appoint, the nomination of persons to fill the following named offices, viz:

1. Superintendent of public instruction.
2. Acting commissioner of internal improvement.
3. Major general of the seventh division of Michigan militia.
4. Brigadier general of the thirteenth brigade of Michigan militia.
5. Judge advocate general.

J. WRIGHT GORDON.

Executive Office, April 3, 1841.

Mr. Bingham offered the following resolution:

Resolved, That a committee of two be appointed to wait upon the honorable the Senate, and inform them that this House will receive them in this hall, forthwith, to act in joint convention upon such nominations as the governor shall choose to submit; which resolution was adopted.

The Chair announced Messrs. Bingham and Barlow as such committee.

After being absent a few minutes, the committee reported that they had discharged the duty assigned them.

By general consent, Mr. Harding presented the claim of Daniel Thompson, for wood furnished the court of chancery; which was referred to the committee on claims.

On motion of Mr. Pierce,

The committee of the whole was discharged from the further consideration of the House bill No. 9, "to reduce the price of public printing, and for other purposes;" and the same was taken up for action in the House.

The question being upon concurring in the Senate amendments to the bill, the same were then concurred in by the House, with the exception of that to the first section.

The House then concurred in the amendment reported by the committee on printing, to Senate amendment to the 5th section of said bill.

Mr. Metcalf offered to amend the amendment of the Senate, made to the 5th section, by adding the following:

“And seventy-five per cent upon the amount he shall deem to be due under the existing provisions of law, to the state printer, for work done;” which amendment was not adopted.

The bill, as amended, was then passed.

A committee from the Senate was announced, who informed the House, that the honorable the Senate would meet the House in joint convention, in the hall of the House of Representatives, on Monday next, at 12 o'clock, M., for the purpose of acting upon such nominations as the executive may deem proper then to make.

Mr. Morton moved to adjourn; which motion did not prevail.

The House then resolved itself into committee of the whole, on House bill No. 114, “relative to the use of the Central railroad;” Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments.

Mr. Walker moved to lay the bill on the table; which motion prevailed.

Mr. Hawley, pursuant to previous notice, asked and obtained leave to introduce “a bill amendatory and supplementary to ‘An act relative to the sale of real and personal estate on execution;’” which was twice read, referred to the committee of the whole, and placed on the general order.

On motion of Mr. J. Miller, the House adjourned, until Monday morning, at nine o'clock.

Monday, April 5, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll having been called, Messrs. Dolsen, Fuller, Morton, Richardson and Wood were found absent without leave.

Mr. Daniels asked and obtained leave of absence for Mr. Fuller, for the remainder of the session.

CLAIMS.

Mr. Gillett presented the following claims: of Daniel Meritt, administrator on the estate of John Burtiss, for services rendered in the Toledo war; of T. S. Wendell, for use of steamboat Macomb, in quelling patriot disturbances, in 1837; of J. S. Jenness & Co., for sundries furnished committee on supplies, for the use of the House.

Mr. Geddes presented the claim of J. Eldred & Co., against the Central railroad.

Mr. Brown presented the claim of L. H. Trask, for attendance on board of canvassers, for the sixth senatorial district.

The Speaker presented the claim of Josiah Snow, for newspapers furnished the House of Representatives; all of which claims were referred to the committee on claims.

The Chair announced the reception of a communication from the auditor general, in reply to the resolution of the House of the 2d instant, relative to the extra sums paid the secretary of state and state treasurer, as commisssoners of internal improvement; which communication was,

On motion of Mr. Larue, laid on the table and ordered printed.

(See Document, No. 82.)

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, April 3, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform you that the Senate have agreed to and concurred in the amendments made by the House of Representatives to the Senate bill, heretofore entitled “a bill suspending for a limited time, certain provisions

of law, and for other purposes," but now, (the title having been amended by the House and concurred in by the Senate,) entitled "a bill suspending certain provisions of law, and for other purposes."

Also, I am instructed to return the Senate "bill to preserve the purity of elections, and to amend title two of the revised statutes," and to inform you respectfully, that the Senate non-concur in the first amendment to the same by the House, and concur in the other amendments.

And further, sir, I am directed to inform you that the Senate have concurred in and adopted the report of the second committee of conference on the "bill in relation to the university and primary school fund."

D. W. KELLOGG,

Secretary of the Senate.

Mr. Metcalf moved that the House insist upon its first amendment to the Senate "bill to preserve the purity of elections, and to amend title two of the revised statutes," the Senate having non-concurred in the same; which motion prevailed.

On motion of Mr. Porter,

A committee of conference upon the disagreement of the two houses in relation to said bill, was then appointed, on the part of the House, consisting of Messrs. Porter, Bingham and Metcalf.

On motion of Mr. Barlow,

The committee of the whole was discharged from the further consideration of House bill number one hundred and eleven, "to provide for the improvement of the navigation of the Kalamázoo river;" and the same was laid on the table.

On motion of Mr. Bingham,

Resolved, That the clerk be requested to notify the Senate that this House will be ready to meet them in this hall at 12 o'clock, to act in joint convention upon the nominations of the governor.

Mr. Metcalf laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be

authorized and empowered to appoint a special agent to accompany the engineer who may be designated by said board, to survey and examine any ground or route upon which contracts are authorized to be made for the construction of any work under the authority of this state, and that said agent, in conjunction with said engineer, be authorized to obtain releases of right of way, and releases of damages on such ground or routes, or bonds to indemnify the state against claims for damage, or to report to the board, the terms upon which such releases for right of way or damages, can be obtained; and upon the report of said agent the board may contract to pay out of the appropriations made by law, such sums for the release of damages or right of way, as they may deem equitable and just, and most conducive to the public interest: *Provided*, That no contract shall be entered into until releases or indemnities shall have been obtained, satisfactory to said board, and that forms for the release of right of way, and for damages and such other indemnities as may be necessary against claims of individuals or companies, for damage, shall be prepared by the board under the direction and advice of the attorney general, and that such agent be allowed a sum not exceeding dollars per day, for his services.

On motion of Mr. Hawley,

The House took up for consideration, the "joint resolution authorizing a settlement with Porter and Gibson, late commissioners of state prison."

Mr. Hawley then moved that the words "state treasurer," be inserted in lieu of "auditor general; pending which,

On motion of Mr. Walker, the resolution was laid on the table.

Mr. Bingham moved that the House reconsider its vote of Saturday, refusing to concur in the Senate amendment to the first section of the bill "to reduce the price of public printing, and for other purposes."

Mr. Strong moved to lay the motion to reconsider, on the table; which motion did not prevail.

The question on the motion to reconsider, was then decided in the affirmative; and

The question then recurring upon concurring in said Senate amendment, the same was decided in the affirmative.

The House then took up from the table for consideration, the "bill to provide for the improvement of the navigation of the Kalamazoo river."

On motion of Mr. Metcalf,

The said bill was then amended by adding the following to stand as

"Sec. 2. That, the commissioners of internal improvement be, and they are hereby authorized, if in their opinion, it shall be for the interest of that portion of the state, to expend the unexpended balance of the appropriation for the improvement of the navigation of the St. Joseph river, in improving the same from its mouth to the village of Three Rivers, in the county of St. Joseph."

Mr. Coates then offered the following proviso to the second section:

"*Provided*, That all appropriations made at this session, for works within the state of Michigan, shall be provided for, before any money belonging to this state, be expended in Indiana."

Which amendment was not adopted; the said bill was then ordered to a third reading.

On motion of Mr. Hammond,

The twenty-second rule, requiring the second and third readings of bills to be had on different days, was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Russell,
Mr. Bingham,	Mr. Lamb,	Mr. M. Spencer,
Mr. Brown,	Mr. Larue,	Mr. Stockton,
Mr. Copeland,	Mr. Mather,	Mr. Strong,
Mr. Daniels,	Mr. Metcalf,	Mr. Tinney,
Mr. Drew,	Mr. J. Miller,	Mr. Tyler,
Mr. Geddes,	Mr. H. L. Miller,	Mr. Walker,
Mr. Gillett,	Mr. Olin,	Mr. Wilcox,
Mr. Hammond,	Mr. Philbrick,	Mr. Willits,
Mr. Harding,	Mr. Redfield,	Mr. Speaker,

NAYS.

Mr. Castle,	Mr. Humphrey,	Mr. Rogers,
Mr. Coates,	Mr. Leech,	Mr. Root,
Mr. Cook,	Mr. Pierce,	Mr. G. Spencer,
Mr. Curtis,	Mr. Renwick,	11

On motion of Mr. Pierce,

The title of said bill was so amended as to read as follows, to wit:

“A bill to provide for the improvement of the navigation of the Kalamazoo and St. Joseph rivers.”

And the title as amended, was then adopted.

On motion of Mr. Walker,

The House resolved itself into committee of the whole, on the “bill to provide for the laying out of certain state roads, and for other purposes;” Mr. Bingham in the chair.

After some time spent thereon, the committee rose and reported progress, and asked and obtained leave to sit again.

The hour for the meeting of the two houses in joint convention, having arrived,

Mr. Hammond moved that a committee of two be appointed to conduct the honorable Senators to their seats in the hall of representatives; which motion prevailed.

And the Chair announced as such committee, Messrs. Hammond and Pierce.

JOINT CONVENTION.

The President of the Senate, *pro tempore*, called the convention to order.

The rolls of the respective houses having been called, the Senators were all present, except Messrs. Gidley, Rice and LeRoy.

The Representatives were all present except Messrs. Bush, Clark, Dolsen, Fuller, Lee, Richardson and Wood.

On motion of Mr. G. Spencer,

It was ordered, that a committee of two be appointed to wait upon the executive, and inform him that the Senate and House of Representatives were now assembled in joint convention, and ready to receive any communication he may see fit to make to them.

The Chair appointed Mr. G. Spencer, of the House, and Mr. Adam, of the Senate, said committee.

After a short absence, the committee reported that the executive would make communication to the convention, forthwith.

The President, *pro tempore*, announced the following message from the executive, by Mr. Deane, his private secretary:
To the Senate and House of Representatives, in joint convention assembled:

I hereby nominate Franklin Sawyer, jr., to be superintendent of public instruction, for the legal term, to commence from and after the 19th instant.

I also nominate Jarvis Hurd, to be acting commissioner, under the act for the regulation of internal improvement.

I also nominate George C. Bates, to be judge advocate general, *vice* Zepheniah Platt, resigned.

I also nominate Charles A. Hopkins, to be major general of the seventh division of Michigan militia, *vice* Edwin N. Bridges, having removed from the state.

I also nominate Joseph R. Williams, to be brigadier general of the 13th brigade, 7th division of Michigan militia, *vice* Samuel A. Chapin, having removed from the state.

I also nominate Theodore Phelps, to be brigadier general of the 14th brigade, 7th division Michigan militia, *vice* Hart L. Stewart, having removed from the state.

J. WRIGHT GORDON.

Executive Office, April 5, 1841.

The Speaker of the House of Representatives made a motion, seconded by Senator Barry, that the further consideration of the nominations by this message, be postponed until to-morrow, at 12 o'clock, M., and that the convention do adjourn until that time.

The motion prevailed, and the convention adjourned accordingly.

D. W. KELLOGG,
Secretary of the Senate.

M. HOWARD,
Clerk House of Representatives.

The honorable the Senate having retired, the Chair called the House to order, and announced the proceedings of the two Houses, in joint convention; when,

On motion of Mr. Morton, the House adjourned until two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll having been called, Messrs. Cook, Dolsen, Lee and J. Miller were found absent without leave.

Mr. Stockton asked and obtained leave of absence for Mr. Lee, on account of ill health.

On motion of Mr. H. L. Miller,

The House again went into committee of the whole, on House bill number seventeen, "to provide for laying out and establishing certain state roads, and for other purposes;" Mr. Stockton in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House, with sundry amendments; which were concurred in by the House, collectively; and the bill was then ordered to a third reading.

On motion of Mr. Metcalf,

The twenty-second rule of the House was suspended, that the bill might then come up on its third reading; and the bill was then read a third time and passed.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, April 5, 1841. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit to the House, two several bills, entitled, first, "for the relief of certain school districts;" second, "supplementary to an act, entitled 'An act relative to the sale of real and personal estate on execution,' approved March 27, 1841;" each of which the Senate have passed, and respectfully ask the concurrence of the House in the same.

Also, I am instructed to inform you that the Senate have

He then moved to lay the bill on the table; which motion did not prevail.

The question then recurring upon his motion to strike out, it did not prevail.

On motion of Mr. Smith, the said bill was then laid on the table.

Several of the absent members appearing in their seats,

On motion of Mr. Smith, the further proceedings under the call were dispensed with.

On motion of Mr. Hammond,

Another call of the House was then ordered; and the roll being called, Messrs. Cook, Dolsen, J. Miller, Wilcox and Willits, were absent without leave.

On motion of Mr. Hammond, the further proceedings under the call were dispensed with.

And the House then resumed the consideration of the two "bills to apportion anew the representatives and senators among the several counties and districts of this state;" and the question then being upon concurring in the report of the committee of the whole, it was decided in the negative, as follows:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Hammond,
Mr. Humphrey,

Mr. Leech,
Mr. Olin,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

17

NAYS.

Mr. Castle,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Morton,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

29

Mr. Hammond then moved to amend said bills, by substitu-

ting the second section of the House bill for the second section of the Senate bill; which motion was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Russell,
Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Brown,	Mr. J. Miller,	Mr. M. Spencer,
Mr. Bush,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Curtis,	Mr. Redfield,	Mr. Walker,
Mr. Drew,	Mr. Richardson,	Mr. Wood,
Mr. Hammond,		

22**NAYS.**

Mr. Castle,	Mr. Larue,	Mr. Root,
Mr. Cook,	Mr. Mather,	Mr. G. Spencer,
Mr. Copeland,	Mr. Metcalf,	Mr. Sprague,
Mr. Daniels,	Mr. H. L. Miller,	Mr. Strong,
Mr. Geddes,	Mr. Morton,	Mr. Tyler,
Mr. Gillett,	Mr. Pierce,	Mr. Wilcox,
Mr. Harding,	Mr. Porter,	Mr. Willits,
Mr. Hawley,	Mr. Renwick,	Mr. Speaker,
Mr. Lamb,	Mr. Rogers,	

26

On motion of Mr. H. L. Miller,

The first section was amended by striking out "Clinton," in the tenth line, and inserting "Shiawassee," in lieu thereof.

Mr. Walker moved to strike out "Ionia," in the nineteenth line of the same section; which motion did not prevail.

On motion of Mr. Metcalf, the vote striking out "Clinton," was reconsidered.

The question then recurring upon the motion to strike out,

Mr. Hammond moved to recommit the bill to a select committee of seven, with instructions to amend the bill so as to provide for fifty-four representatives and eighteen senators, and to report to-morrow morning.

Mr. G. Spencer moved to amend the motion, by striking out that portion of the instructions fixing the number of representatives and senators; which motion prevailed.

The question then being upon the adoption of the motion as amended, it prevailed by the following vote:

YEAS.

Mr. Barlow,	Mr. Leech,	Mr. Smith,
Mr. Bingham,	Mr. J. Miller,	Mr. M. Spencer,

Mr. Brown,
Mr. Bush,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,

Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,
Mr. Russell,

Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Walker,
Mr. Wood,
Mr. Speaker,

24

NAYS.

Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Drew,
Mr. Gillett,
Mr. Harding,
Mr. Hawley,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

22

The Chair announced as such committee, Messrs. Hammond, Richardson, Brown, H. L. Miller, Pierce, Gillett and Olin.

On motion of Mr. H. L. Miller,

The committee of the whole was discharged from the further consideration of the Senate "bill to authorize the county commissioners of the county of Genesee, to vacate a certain burying ground," and the same was taken up and ordered to a third reading.

On motion of Mr. Walker,

The twenty-second rule was suspended, that said bill might then be read a third time; and the bill was then read a third time and passed.

On motion of Mr. Hammond,

The House resolved itself into committee of the whole on the "bill to authorize the auditor general, state treasurer, and attorney general, to settle with the late commissioners of internal improvement;" Mr. Larue in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House with sundry amendments, which were all concurred in by the House.

Mr. Metcalf moved to strike out "May," in the first line of the third section, and insert in lieu thereof, "June;" which motion prevailed.

Mr. Brown offered the following amendment to the third

section: strike out all down to "bondsmen," in the fifth line, and insert in lieu thereof as follows, viz:

"Sec. 3. If such settlement shall not be effected with any one or more of such commissioners, by the first day of June next, the auditor general is hereby authorized, and it shall be his duty, immediately to commence suit against such commissioner or commissioners, and their surety."

Which amendment was adopted.

Mr. Smith offered the following, to stand as section five:

"Sec. 5. No extra compensation whatever, shall be allowed to any person in consequence of the settlement mentioned in this act."

The amendment was not adopted.

Mr. Larue then moved to lay the bill on the table; which motion prevailed; and;

On motion of Mr. Hammond, the House adjourned until nine o'clock, to-morrow morning.

Tuesday, April 6, 1841.

The House met pursuant to adjournment.

The roll having been called, the members were all present, except those absent on leave.

REPORTS.

Mr. G. Spencer, from the committee on the judiciary, reported "A bill to authorize the board of internal improvement to settle with the Detroit and Pontiac railroad company, and for other purposes;" which was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Renwick, from the committee on ways and means, to which had been referred Senate bill number forty-five, "in relation to the assessment of real and personal property;" reported the same back, with amendments, and the bill was, on his motion, referred to the committee of the whole, and placed on the general order.

Mr. Lamb, from the committee on agriculture, to which had been referred the petition of Robert McClelland, and other

citizens of this state, for a law authorizing a race course at Monroe, reported adversely to the prayer of said petitioners; and on his motion, the committee was discharged from the further consideration of the subject.

Mr. Hammond, from a majority of the select committee to which had been referred Senate bill number four, and House bill number one hundred and twelve, both "bills to apportion anew the senators and representatives among the several counties and districts of this state, submitted a report thereon.

Mr. H. L. Miller, from the minority of the same committee, submitted a report on the same subject.

Both which reports, together with the bills reported back by the committee, were referred to the committee of the whole; and,

On motion of Mr. Hammond, placed first on the general order.

On motion of Mr. Lamb,

House bill number ninety-seven, "for the regulation of township officers, and for other purposes," was made the special order for to-morrow.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, April 5, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate to transmit to the House, "a bill to provide for the payment of the salaries of the state officers," which the Senate have this day passed, and in which the concurrence of the House is respectfully requested.

D. W. KELLOGG,
Secretary of the Senate.

The bill transmitted by the above message, was read twice, referred to the committee of the whole, and placed on the general order.

The Chair announced also, the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Monday, April 5, 1841. }

To the Speaker of the House of Representatives:

SIR—The Senate have this day passed two several joint resolutions; first, “relative to the destruction of the *Caroline*;” second, “authorizing the auditor general to issue warrants to the state geologist, for certain expenses incurred at the state salt springs;” of which I have been directed to inform the House, and respectfully ask their concurrence in the same.

D. W. KELLOGG,
Secretary of the Senate.

The joint resolutions transmitted by the above message, were laid on the table for one day, according to rule.

The Chair, also, announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

1. “An act to amend an act entitled ‘An act to incorporate the village of *Adrian*.’”

2. “An act further to amend chapter one, title ten, part one of the revised statutes, entitled ‘of religious societies.’”

3. “An act amendatory to ‘An act to amend the revised statutes relative to primary schools, approved April 1, 1841.’”

4. Also, “A preamble and joint resolution relative to a certain state warrant.”

J. WRIGHT GORDON.

Executive Office, April 6, 1841.

On motion of Mr. Smith,

The House took up for consideration, the joint resolution proposing to amend the constitution so as to have biennial instead of annual sessions of the legislature.

Mr. Metcalf moved that the further consideration of the resolutions be indefinitely postponed.

Mr. G. Spencer moved that the resolutions be laid on the table; which motion was lost, as follows:

citizens of this state, for a law authorizing a race course at Monroe, reported adversely to the prayer of said petitioners; and on his motion, the committee was discharged from the further consideration of the subject.

Mr. Hammond, from a majority of the select committee to which had been referred Senate bill number four, and House bill number one hundred and twelve, both "bills to apportion anew the senators and representatives among the several counties and districts of this state, submitted a report thereon.

Mr. H. L. Miller, from the minority of the same committee, submitted a report on the same subject.

Both which reports, together with the bills reported back by the committee, were referred to the committee of the whole; and,

On motion of Mr. Hammond, placed first on the general order.

On motion of Mr. Lamb,

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D. W. KELLOGG,
Secretary of the Senate.

The bill transmitted by the above message, was read twice, referred to the committee of the whole, and placed on the general order.

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SIR—The Senate have this day passed two several joint resolutions; first, “relative to the destruction of the *Caroline*;” second, “authorizing the auditor general to issue warrants to the state geologist, for certain expenses incurred at the state salt springs;” of which I have been directed to inform the House, and respectfully ask their concurrence in the same.

D. W. KELLOGG,
Secretary of the Senate.

The joint resolutions transmitted by the above message, were laid on the table for one day, according to rule.

The Chair, also, announced the following message from the executive:

To the House of Representatives:

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1. “An act to amend an act entitled ‘An act to incorporate the village of *Adrian*.’”

2. “An act further to amend chapter one, title ten, part one of the revised statutes, entitled ‘of religious societies.’”

3. “An act amendatory to ‘An act to amend the revised statutes relative to primary schools, approved April 1, 1841.’”

4. Also, “A preamble and joint resolution relative to a certain state warrant.”

J. WRIGHT GORDON.

Executive Office, April 6, 1841.

On motion of Mr. Smith,

The House took up for consideration, the joint resolution proposing to amend the constitution so as to have biennial instead of annual sessions of the legislature.

Mr. Metcalf moved that the further consideration of the resolutions be indefinitely postponed.

Mr. G. Spencer moved that the resolutions be laid on the table; which motion was lost, as follows:

YEAS.

Mr. Brown,
Mr. Cook,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,
Mr. Larue,
Mr. Mather,

Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Renwick,
Mr. Rogers,

Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

22

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Curtis,
Mr. Drew,
Mr. Hammond,

Mr. Humphrey,
Mr. Lamb,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,

Mr. Richardson,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Tinney,
Mr. Wood,
Mr. Speaker,

22

The question recurring upon the motion of Mr. Metcalf to indefinitely postpone; the same was negatived, as follows:

YEAS.

Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Dolsen,
Mr. Geddes,
Mr. Gillett,

Mr. Hawley,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,

Mr. Morton,
Mr. Pierce,
Mr. Rogers,
Mr. Sprague,
Mr. Wilcox,

16

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Curtis,
Mr. Daniels,
Mr. Drew,
Mr. Hammond,
Mr. Humphrey,

Mr. Lamb,
Mr. Larue,
Mr. Leech,
Mr. Olin,
Mr. Philbrick,
Mr. Porter,
Mr. Redfield,
Mr. Richardson,
Mr. Root,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

29

The question then recurring upon the adoption of the resolutions,

Mr. Hammond moved to recommit the same to the select committee by which they were reported, with instructions to introduce resolutions providing for an alteration of the consti-

tution, so as to limit the annual sessions of the legislature to sixty days.

Mr. Cook moved the indefinite postponement of the whole subject; which was negatived, by the following vote:

YEAS.

Mr. Brown,	Mr. Mather,	Mr. Rogers,	
Mr. Cook,	Mr. Metcalf,	Mr. Root,	
Mr. Copeland,	Mr. J. Miller,	Mr. Sprague,	
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Gillett,	Mr. Pierce,	Mr. Tyler,	
Mr. Harding,	Mr. Porter,	Mr. Wilcox,	
Mr. Hawley,	Mr. Renwick,		20

NAYS.

Mr. Barlow,	Mr. Humphrey,	Mr. Smith,	
Mr. Bingham,	Mr. Lamb,	Mr. M. Spencer,	
Mr. Bush,	Mr. Larue,	Mr. Stockton,	
Mr. Castle,	Mr. Leech,	Mr. Tinney,	
Mr. Coates,	Mr. Olin,	Mr. Walker,	
Mr. Curtis,	Mr. Philbrick,	Mr. Willits,	
Mr. Drew,	Mr. Redfield,	Mr. Wood,	
Mr. Geddes,	Mr. Richardson,	Mr. Speaker,	
Mr. Hammond,	Mr. Russell,		26

The question then recurring upon the motion of Mr. Hammond, to recommit with instructions, the same prevailed by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Redfield,	
Mr. Cook,	Mr. Humphrey,	Mr. Renwick,	
Mr. Copeland,	Mr. Lamb,	Mr. Rogers,	
Mr. Daniels,	Mr. Larue,	Mr. Russell,	
Mr. Dolsen,	Mr. Metcalf,	Mr. Strong,	
Mr. Drew,	Mr. J. Miller,	Mr. Tyler,	
Mr. Geddes,	Mr. H. L. Miller,	Mr. Walker,	
Mr. Gillett,	Mr. Morton,	Mr. Wilcox,	
Mr. Hammond,	Mr. Olin,	Mr. Willits,	
Mr. Harding,	Mr. Pierce,	Mr. Speaker,	30

NAYS.

Mr. Bingham,	Mr. Mather,	Mr. M. Spencer,	
Mr. Brown,	Mr. Philbrick,	Mr. G. Spencer,	
Mr. Bush,	Mr. Porter,	Mr. Sprague,	
Mr. Castle,	Mr. Richardson,	Mr. Stockton,	
Mr. Coates,	Mr. Root,	Mr. Tinney,	
Mr. Leech,	Mr. Smith,	Mr. Wood,	18

RESOLUTIONS.

On motion of Mr. Porter,

Resolved, That the committee on towns and counties be directed to inquire into the expediency of annexing Presque Isle and the neighboring islands, and also the Monitoulin islands, in Lake Michigan and the neighboring territory, to the county of Mackinac, and township of Holmes, for judicial purposes.

Mr. Coates laid on the table, the following preamble and joint resolution:

Whereas, the common council of the city of Detroit did, on the _____ day of April, instant, adopt the following resolution:

Resolved, That the clerk be directed to notify the proprietors of the Daily Advertiser and Free Press, that the common council will receive proposals until the 23d instant, for doing the printing of the city for the present year, the lowest proposals to be accepted; *and whereas*, in pursuance of said resolution, the following proposals were submitted to the common council:

To the honorable the Mayor and Common council of the city of Detroit:

I propose to do the publishing for the common council, in the Daily Free Press, at the rate of forty cents per folio, for the first insertion and twenty cents for each subsequent one; and also, the job work at the usual prices, as established by the typographical society, deducting ten per cent.

A. S. BAGG.

March 23, 1841.

ADVERTISER OFFICE,
Detroit, March 23, 1841. }

To his honor the Mayor and Common Council of Detroit:

The undersigned propose to do all the printing and advertising required to be done by the common council of this city, during the current year, at a deduction of twenty-seven per cent, from the publisher's prices, adopted by the Detroit typographical society, July, 1839, a scale of which prices will be found in the pamphlet containing the constitution, by-laws, &c., of said society, pages 17, 18 and 19, a copy of which is here-

with submitted. The rates of advertising, from which the above deduction will be made, are contained on the first page of the Daily Advertiser, a copy of which is submitted.

Respectfully,

DAWSON & BATES.

And whereas, the committee of said common council to which said propositions were referred, made the following report:

“The committee, to which was referred the proposals for doing the city printing for the current year, have had the same under consideration, and, (as far as they are able to judge,) consider the proposals of the Advertiser, the lowest.”

Which report was adopted, and the proposition of Messrs. Dawson & Bates, accepted.

And whereas, it would be unjust and improper for this legislature to tax the people, to pay for publishing advertisements or legal notices in the state paper, a higher price than the publishers of said paper have voluntarily proposed and contracted to do the printing of the city of Detroit, for the ensuing year; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That for publishing such notices and advertisements as are or shall be required by law to be published in the state paper, the state printer shall receive not more than forty cents per folio, (or per one hundred words,) for the first insertion, and twenty cents per folio, for every subsequent insertion thereof.

The following joint resolution was laid on the table by Mr. Bush:

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution be proposed to the next legislature, to be by them submitted to the people; and that the secretary of state be required to give three months' notice of the same, prior to the next annual election: That the legislature of this state shall never have power, in any way or manner, or for any purpose whatever, to create a state debt without the concurrence of a

majority of the qualified electors of said state, unless in case of public danger from a foreign foe.

On motion of Mr. G. Spencer,

The committee of the whole was discharged from the further consideration of the (so called) apportionment bills, and the same were taken up for action in the House.

The question being upon concurring in the report of the majority of the select committee to which said bills had been referred; and the first amendment proposed by the committee to the first section, to wit: in the tenth line to strike out "Ingham," and insert in lieu thereof, "Shiawassee," being under consideration,

Mr. Leech moved to amend the amendment, by striking out all after the words "to wit," in the first section, and inserting the following in lieu thereof, to wit:

"In the county of Wayne, six; in the county of Monroe, three; in the county of Lenawee, five; in the county of Hillsdale, two; in the county of Oakland, six; in the county of Macomb, three; in the county of St. Clair, one; in the county of Lapeer, one; in the county of Genesee, one; in the county of Saginaw, one; in the county of Mackinac, one; in the county of Chippewa, one; in the county of Washtenaw, six; in the county of Livingston, two; in the county of Jackson, four; in the counties of Ingham and Shiawassee, one; in the counties of Clinton and Ionia, one; in the counties of Kent and Ottawa, one; in the county of Allegan, one; in the counties of Barry and Eaton, one; in the county of Calhoun, three; in the county of Kalamazoo, two; in the counties of Van Buren and Cass, two; in the county of St. Joseph, two; in the county of Berrien, one; in the county of Branch, two."

Which amendment was rejected by the following vote:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Bush,
Mr. Curtis,
Mr. Hammond,
Mr. Humphrey,

Mr. Leech,
Mr. J. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

NAYS.

Mr. Brown,	Mr. Harding,	Mr. Renwick,
Mr. Coates,	Mr. Hawley,	Mr. Richardson,
Mr. Cook,	Mr. Larue,	Mr. Rogers,
Mr. Copeland,	Mr. Mather,	Mr. Root,
Mr. Daniels,	Mr. Metcalf,	Mr. Sprague,
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Strong,
Mr. Drew,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Speaker, 27

The question then recurred upon the adoption of the first amendment proposed by the committee.

The hour for the meeting of the House and Senate in joint convention, having arrived,

On motion of Mr. Bingham, the said bills were then laid on the table.

Mr. Bingham moved that a committee of two be appointed to conduct the honorable Senators to their seats in the hall of the House of Representatives; which motion prevailed.

The Chair announced as such committee, Messrs. Bingham and Copeland.

JOINT CONVENTION.

The President of the Senate, *pro tempore*, called the convention to order.

The rolls of the respective Houses were called, and the Senators were present, except Messrs. LeRoy and Rice.

The Representatives were all present, except those absent on leave.

The proceedings of the convention of yesterday were read.

The President announced a message from the executive, by his private secretary, Mr. Deane, in the words following:

To the Senate and House of Representatives of the State of Michigan, in joint convention:

Having ascertained since the adjournment of the convention yesterday, that the vacancy in the office of brigadier general of the fourteenth brigade, of the seventh division of Michigan militia, occasioned by the removal of Hart L. Stewart, was filled at the last session of the legislature, I hereby withdraw the nomination of Theodore Phelps, by me made for that office.

J. WRIGHT GORDON.

Executive Office, April 6, 1841.

On motion of Senator Witherell,

The convention assented and agreed to the proposition by this message.

The nominations by the message from the executive, received yesterday, being then under consideration, the convention proceeded to consider the nomination of Franklin Sawyer, jr., to the office of superintendent of public instruction, for the legal term, to commence from and after the 19th instant; and the said nomination was advised and consented to, by the following vote:

Senators.

YEAS.

Mr. Bridge,
Mr. Champlin,
Mr. Deming,
Mr. Edmunds,

Mr. Fuller,
Mr. Gidley,
Mr. Jones,
Mr. Lacey,

Mr. Murphy,
Mr. Trowbridge,
President, *pro tem.* 11

NAYS.

Mr. Adam,
Mr. Barry,

Mr. Walker,

Mr. Witherell, 4

Representatives.

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker, 32

NAYS.

Mr. Bingham,
Mr. Bush,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Leech,

Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood, 17

The convention then proceeded to act upon the nomination of Jarvis Hurd, to be acting commissioner, under the act for

the regulation of internal improvement; and the same was rejected, as follows:

Senators.

YEAS.

0

NAYS.

Mr. Adam,
Mr. Barry,
Mr. Bridge,
Mr. Champlin,
Mr. Deming,

Mr. Edmunds,
Mr. Fuller,
Mr. Gidley,
Mr. Jones,
Mr. Lacey,

Mr. Murphy,
Mr. Trowbridge,
Mr. Walker,
Mr. Witherell,
President, *pro tem*, 15

Representatives.

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Bush,
Mr. Coates,
Mr. Curtis,
Mr. Daniels,
Mr. Hammond,
Mr. Humphrey,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,

Mr. Richardson,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,

23

NAYS.

Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Harding,

Mr. Hawley,
Mr. Leech,
Mr. H. L. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Renwick,
Mr. Rogers,
Mr. Root,

Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

26

The nomination of George C. Bates, to be judge advocate general, *vice* Zepheniah Platt, resigned, was then advised and consented to, by the following vote:

Senators.

YEAS.

Mr. Adam,
Mr. Barry,
Mr. Bridge,
Mr. Champlin,
Mr. Deming,

Mr. Edmunds,
Mr. Fuller,
Mr. Gidley,
Mr. Jones,
Mr. Lacey,

Mr. Murphy,
Mr. Trowbridge,
Mr. Walker,
Mr. Witherell,
President, *pro tem*, 15

NAYS.

0

Representatives.

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,
Mr. Hawley,

Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Leech,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,

Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

49

NAYS.

0

The nomination of Joseph R. Williams, to be brigadier general of the 13th brigade, of the seventh division of Michigan militia, *vice* Samuel A. Chapin, removed from the state, was also advised and consented to, by the following vote:

Senators.

YEAS.

Mr. Barry,
Mr. Bridge,
Mr. Champlin,
Mr. Deming,

Mr. Edmunds,
Mr. Fuller,
Mr. Gidley,
Mr. Jones,

Mr. Lacey,
Mr. Murphy,
Mr. Trowbridge,

11

NAYS.

Mr. Adam,
Mr. Walker,

Mr. Witherell,

President, *pro tem*,

4

Representatives.

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,

Mr. Hawley,
Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,

Mr. Porter,
Mr. Renwick,
Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,

Mr. Drew,	Mr. J. Miller,	Mr. Stockton,	
Mr. Geddes,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Gillett,	Mr. Morton,	Mr. Tyler,	
Mr. Harding,	Mr. Pierce,	Mr. Wilcox,	30

NAYS.

Mr. Bingham,	Mr. Olin,	Mr. Tinney,	
Mr. Bush,	Mr. Philbrick,	Mr. Walker,	
Mr. Castle,	Mr. Redfield,	Mr. Willits,	
Mr. Curtis,	Mr. Richardson,	Mr. Wood,	
Mr. Hammond,	Mr. Russell,	Mr. Speaker,	
Mr. Leech,	Mr. M. Spencer,		17

Mr. Adam moved to reconsider the vote by which the nomination of Jarvis Hurd was rejected; the motion was lost by the following vote:

Senators.

YEAS.

Mr. Adam,	Mr. Barry,	Mr. Walker,	3
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NAYS.

Mr. Bridge,	Mr. Fuller,	Mr. Murphy,	
Mr. Champlin,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Deming,	Mr. Jones,	Mr. Witherell,	
Mr. Edmunds,	Mr. Lacey,	President, <i>pro tem</i> ,	12

Representatives.

YEAS.

Mr. Barlow,	Mr. Larue,	Mr. Redfield,	
Mr. Bingham,	Mr. Leech,	Mr. Richardson,	
Mr. Bush,	Mr. Mather,	Mr. Russell,	
Mr. Curtis,	Mr. Metcalf,	Mr. Smith,	
Mr. Daniels,	Mr. J. Miller,	Mr. M. Spencer,	
Mr. Hammond,	Mr. Olin,	Mr. Tinney,	
Mr. Humphrey,	Mr. Philbrick,	Mr. Tyler,	
Mr. Lamb,			22

NAYS.

Mr. Brown,	Mr. Hawley,	Mr. Sprague,	
Mr. Castle,	Mr. H. L. Miller,	Mr. Stockton,	
Mr. Cook,	Mr. Morton,	Mr. Strong,	
Mr. Copeland,	Mr. Pierce,	Mr. Walker,	
Mr. Dolsen,	Mr. Porter,	Mr. Wilcox,	
Mr. Drew,	Mr. Renwick,	Mr. Willits,	
Mr. Geddes,	Mr. Rogers,	Mr. Wood,	
Mr. Gillett,	Mr. Root,	Mr. Speaker,	
Mr. Harding,	Mr. G. Spencer,		26

The convention then proceeded to act upon the nomination of Charles A. Hopkins, to be major general of the 7th division of Michigan militia, *vice*, Edwin N. Bridges, having removed from the state; and this nomination was advised and consented to, as follows:

Senators.

YEAS.

Mr. Barry,
Mr. Bridge,
Mr. Champlin,
Mr. Deming,

Mr. Edmunds,
Mr. Fuller,
Mr. Gidley,
Mr. Jones,

Mr. Lacey,
Mr. Murphy,
Mr. Trowbridge,
President, *pro tem*, 12

NAYS.

Mr. Adam,

Mr. Walker,

Mr. Witherell, 3

Representatives.

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Hammond,
Mr. Harding,
Mr. Hawley,

Mr. Humphrey,
Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Morton,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,
Mr. Renwick,
Mr. Richardson,

Mr. Rogers,
Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Wood,
Mr. Speaker,

46

NAYS.

Mr. Leech,

Mr. Willits,

2

Mr. Smith, of the House, moved that a committee of two be appointed to inform the executive, that the nomination of Jarvis Hurd, for acting commissioner, &c., had been rejected by the convention; and also, to inquire of his excellency, whether he had any further communication to make to the convention.

The motion prevailed; and the Chair announced for said committee, Mr. Smith, of the House, and Mr. Gidley, of the Senate.

After a short absence, the committee reported the discharge of the duty assigned them; and further, that the executive would forthwith communicate to the two houses, in joint convention.

The President announced the following message from the executive, by Mr. Deane, his private secretary:

To the Senate and House of Representatives of the State of Michigan, in joint convention assembled:

I hereby nominate Shubael Conant, of the city of Detroit, to be acting commissioner, under the act for the regulation of internal improvement.

J. WRIGHT GORDON.

Executive Office, April 6, 1841.

And the convention advised and consented to the nomination by this message, by the following vote:

Senators.

YEAS.

Mr. Bridge,	Mr. Fuller,	Mr. Trowbridge,
Mr. Champlin,	Mr. Gidley,	Mr. Walker,
Mr. Deming,	Mr. Jones,	President, <i>pro tem</i> ,
Mr. Edmunds,	Mr. Lacey,	11

NAYS.

Mr. Adam,	Mr. Murphy,	Mr. Witherell,
Mr. Barry,		4

Representatives.

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Richardson,
Mr. Bingham,	Mr. Humphrey,	Mr. Rogers,
Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Bush,	Mr. Larue,	Mr. Smith,
Mr. Castle,	Mr. Leech,	Mr. G. Spencer,
Mr. Clark,	Mr. Mather,	Mr. Sprague,
Mr. Cook,	Mr. J. Miller,	Mr. Stockton,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Strong,
Mr. Dolsen,	Mr. Morton,	Mr. Tinney,
Mr. Drew,	Mr. Olin,	Mr. Tyler,
Mr. Geddes,	Mr. Pierce,	Mr. Walker,
Mr. Gillett,	Mr. Porter,	Mr. Willits,
Mr. Harding,	Mr. Renwick,	Mr. Speaker,
		39

NAYS.

Mr. Curtis,	Mr. Philbrick,	Mr. M. Spencer,
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Mr. Daniels,
Mr. Hammond,
Mr. Metcalf,

Mr. Redfield,
Mr. Russell,

Mr. Wilcox,
Mr. Wood,

10

On motion of Senator Witherell, the convention then adjourned, *sine die*.

D. W. KELLOGG,
Secretary of the Senate.

M. HOWARD,
Clerk House Representatives.

The honorable the Senate having retired, the Speaker called the House to order, and after announcing the proceedings of the joint convention,

On motion of Mr. Larue, the House adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll having been called, the same members were present as in the morning.

CLAIMS.

Mr. Harding presented the claim of Dawson & Bates, for printing for the state.

Also, another claim of the same, for printing for the House of Representatives; both referred to the committee on claims.

REPORTS.

Mr. Smith, from the select committee to which had been re-committed, with instructions, the "joint resolutions relative to substituting biennial, instead of annual sessions of the legislature," reported to the House the following joint resolution, in pursuance of said instructions:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this state be proposed, and that the same be referred to the legislature next to be chosen, and published in pursuance of the provisions of the first section of the thirteenth article of said constitution, viz:

That the following words be added to, and form a part of section twenty-one, of article fourth, to wit: "and the annual

session of the legislature shall, in no instance, be held for a longer time than sixty days."

Be it further resolved, as aforesaid, That the secretary of state cause the necessary publication, as directed in section one of article thirteen of the constitution of this state, in reference to the before mentioned amendment.

The above resolutions were laid on the table for one day, according to rule.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, April 6, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate, to transmit "a bill to provide for the payment of members and officers of the present legislature;" which the Senate have this day passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

The bill transmitted by the above message, was twice read, referred to the committee of the whole, and,

On motion of Mr. Bingham,

Made the special order, next in succession to the special order for to-morrow:

The House then resumed the consideration of the unfinished business of the morning, it being on concurring in the amendment proposed by the select committee, to the first section of the Senate "bill to apportion anew the senators and representatives among the several counties and districts of this state;" and the said amendment was then adopted.

On motion of Mr. Porter,

Both of said bills, relative to apportionment, were then re-committed to the committee of the whole; and the House then resolved itself into committee of the whole, on said bills; Mr. Brown in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with amendments; and the question being on concurring in said amendments,

Mr. Metcalf moved to recommit said bill to a select committee of seven, with instructions to amend the same, so as that the House will consist of sixty members, and the Senate of twenty members; which motion was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. Lamb,	Mr. Smith,
Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Metcalf,	Mr. Stockton,
Mr. Castle,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Curtis,	Mr. Olin,	Mr. Tyler,
Mr. Hammond,	Mr. Philbrick,	Mr. Walker,
Mr. Humphrey,	Mr. Redfield,	

20

NAYS.

Mr. Brown,	Mr. Hawley,	Mr. Rogers,
Mr. Coates,	Mr. Larue,	Mr. Root,
Mr. Cook,	Mr. Mather,	Mr. Russell,
Mr. Copeland,	Mr. J. Miller,	Mr. G. Spencer,
Mr. Daniels,	Mr. Morton,	Mr. Sprague,
Mr. Dolsen,	Mr. Pierce,	Mr. Strong,
Mr. Drew,	Mr. Porter,	Mr. Wilcox,
Mr. Geddes,	Mr. Renwick,	Mr. Willits,
Mr. Gillett,	Mr. Richardson,	Mr. Speaker,
Mr. Harding,		

28

The question being on concurring in the report of the committee of the whole, the first amendment reported by the committee, was then adopted by the House.

And the second amendment being under consideration, to wit: to substitute the second section of said bill for the second section of the Senate bill, the same was then non-concurred in, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Richardson,
Mr. Bingham,	Mr. Mather,	Mr. Root,
Mr. Brown,	Mr. J. Miller,	Mr. Smith,
Mr. Coates,	Mr. Olin,	Mr. M. Spencer,
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,
Mr. Gillett,	Mr. Pierce,	Mr. Walker,
Mr. Hammond,	Mr. Redfield,	Mr. Speaker,
Mr. Harding,		

22

NAYS.

Mr. Bush,	Mr. Lamb,	Mr. Rogers,
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,
Mr. Cook,	Mr. Leech,	Mr. Sprague,

Mr. Copeland,	Mr. Metcalf,	Mr. Stockton,	
Mr. Daniels,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Drew,	Mr. Morton,	Mr. Tyler,	
Mr. Geddes,	Mr. Porter,	Mr. Wilcox,	
Mr. Hawley,	Mr. Renwick,	Mr. Willits,	24

Mr. Hammond then moved that the House adjourn; which motion did not prevail.

Mr. Walker moved that the further consideration of said bills be indefinitely postponed; when

Mr. Smith again moved that the House adjourn; which motion was negatived.

The question recurring upon the motion of Mr. Walker, to indefinitely postpone, the same did not prevail.

Mr. Porter then moved that the further consideration of the House bill be indefinitely postponed; when the question arising, whether the House had not already disposed of that bill, by rejecting both of its sections, when offered as amendments to the Senate bill, it was decided, that the said bill had been finally disposed of, by such rejection.

Mr. Morton moved to reconsider the vote by which the second amendment, reported by the committee of the whole, was non-concurred in; whereupon,

Mr. Hammond moved that a call of the House be ordered; which motion was not sustained.

Mr. Morton then withdrew his motion to reconsider.

Mr. H. L. Miller, moved to further amend said Senate bill, by striking out, in the third line of the second section, the words, "and Huron;" which motion prevailed.

Mr. Coates then moved to insert the words, "and Huron," after the word, "Negwegon," in the 13th line of said section; which motion did not prevail.

Mr. Harding moved to strike out, in the second and third lines of the second section, the words "Macomb, St. Clair, Sanilac," and also to strike out "three," and insert "two," in the third line; which motion did not prevail.

Mr. Richardson then moved to strike out all after the word "Oakland," in the twelfth line, down to the word "Senators," in the fifteenth line, and to insert the words, "shall elect two;"

so that it shall read, "the sixth district shall consist of the county of Oakland, and shall elect two senators;" which motion was negatived, as follows:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Richardson,
Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Bush,	Mr. Morton,	Mr. M. Spencer,
Mr. Coates,	Mr. Olin,	Mr. Tinney,
Mr. Curtis,	Mr. Philbrick,	Mr. Walker,
Mr. Dolsen,	Mr. Redfield,	

17

NAYS.

Mr. Brown,	Mr. Humphrey,	Mr. Rogers,
Mr. Castle,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Larue,	Mr. G. Spencer,
Mr. Copeland,	Mr. Mather,	Mr. Sprague,
Mr. Daniels,	Mr. Metcalf,	Mr. Stockton,
Mr. Drew,	Mr. J. Miller,	Mr. Strong,
Mr. Geddes,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Gillett,	Mr. Pierce,	Mr. Wilcox,
Mr. Harding,	Mr. Porter,	Mr. Willits,
Mr. Hawley,	Mr. Renwick,	Mr. Speaker,

30

Mr. Walker then moved to amend section one, by striking out "Clinton," in the 10th line, and by striking out "one," in the nineteenth line, and inserting "Clinton, two," in lieu thereof; which motion did not prevail.

Mr. Hammond then moved to amend the second section, in the fifth line, by striking out "and" between "Hillsdale" and "Lenawee," and inserting the words "and Branch," after the word "Hillsdale;" which motion did not prevail.

Mr. Renwick moved to amend the fourth line of the same section, by striking out "two," and inserting "three."

Mr. Morton moved that the House adjourn, which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. M. Spencer,
Mr. Curtis,	Mr. Morton,	Mr. Tinney,
Mr. Hammond,	Mr. Olin,	Mr. Walker,
Mr. Humphrey,	Mr. Philbrick,	

11

NAYS.

Mr. Barlow,	Mr. Gillett,	Mr. Renwick,
Mr. Brown,	Mr. Harding,	Mr. Richardson,
Mr. Bush,	Mr. Hawley,	Mr. Rogers,

Mr. Castle,	Mr. Lamb,	Mr. Root,	
Mr. Coates,	Mr. Larue,	Mr. G. Spencer,	
Mr. Cook,	Mr. Mather,	Mr. Stockton,	
Mr. Copeland,	Mr. Metcalf,	Mr. Strong,	
Mr. Daniels,	Mr. J. Miller,	Mr. Tyler,	
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Wilcox,	
Mr. Drew,	Mr. Pierce,	Mr. Willits,	
Mr. Geddes,	Mr. Porter,	Mr. Speaker,	33

The question recurring upon the motion of Mr. Renwick, Mr. Hammond moved to amend the amendment by striking out in the seventh line, the word "three," and inserting "four," in lieu thereof; which motion was negatived.

The question again recurring upon Mr. Renwick's motion, Mr. J. Miller moved to amend said motion by striking out "three," in the eleventh line, and inserting "four," in lieu thereof; which motion did not prevail.

The motion of Mr. Renwick then prevailed, by the following vote:

YEAS.

Mr. Bingham,	Mr. Hawley,	Mr. Root,	
Mr. Bush,	Mr. Leech,	Mr. Russell,	
Mr. Castle,	Mr. Metcalf,	Mr. Smith,	
Mr. Cook,	Mr. Philbrick,	Mr. G. Spencer,	
Mr. Copeland,	Mr. Pierce,	Mr. Sprague,	
Mr. Curtis,	Mr. Redfield,	Mr. Stockton,	
Mr. Geddes,	Mr. Renwick,	Mr. Tinney,	
Mr. Gillett,	Mr. Richardson,	Mr. Walker,	
Mr. Harding,	Mr. Rogers,	Mr. Speaker,	27

NAYS.

Mr. Barlow,	Mr. Humphrey,	Mr. Olin,	
Mr. Brown,	Mr. Lamb,	Mr. Porter,	
Mr. Coates,	Mr. Larue,	Mr. M. Spencer,	
Mr. Daniels,	Mr. Mather,	Mr. Strong,	
Mr. Dolsen,	Mr. J. Miller,	Mr. Tyler,	
Mr. Drew,	Mr. H. L. Miller,	Mr. Wilcox,	
Mr. Hammond,	Mr. Morton,	Mr. Willits,	21

Mr. M. Spencer moved to amend the second section, by striking out "Calhoun," in the sixth line; which motion was lost.

Mr. Walker moved to reconsider the vote striking out "one" in the eighth line of section one, and inserting "Ingham, two," for the purpose of reinstating "one;" which motion did not prevail.

Mr. Walker then moved to further amend the same section, by striking out "Clinton," in the tenth line, and inserting "Ingham," in lieu thereof; which motion was also lost.

Mr. Walker moved to strike out "Ionia," in the seventeenth line; which motion did not prevail.

Mr. Walker then moved to insert after "one," in the eighteenth line, the following, to wit: "in the counties of Clinton and Ionia, one;" which motion was likewise negatived.

Mr. Smith moved to amend the first section by striking out all after "to wit," in the fourth line, and inserting the following in lieu thereof:

In the county of Wayne, six; in the county of Monroe, three; in the county of Lenawee, five; in the county of Hillsdale, two; in the county of Oakland, six; in the county of Macomb, three; in the county of St. Clair, one; in the county of Lapeer, one; in the county of Genesee, one; in the county of Saginaw, one; in the county of Mackinac, one; in the county of Chippewa, one; in the county of Washtenaw, six; in the county of Livingston, two; in the county of Jackson, four; in the counties of Ingham and Shiawassee, one; in the counties of Clinton and Ionia, one; in the counties of Kent and Ottawa, one; in the county of Allegan, one; in the counties of Barry and Eaton, one; in the county of Calhoun, three; in the county of Kalamazoo, two; in the counties of Van Buren and Cass, two; in the county of St. Joseph, two; in the county of Berrien, one; in the county of Branch, two."

Which motion was negatived by the following vote:

YEAS.

Mr. Barlow,	Mr. Leech,	Mr. Russell,	
Mr. Bingham,	Mr. Metcalf,	Mr. Smith,	
Mr. Bush,	Mr. Morton,	Mr. M. Spencer,	
Mr. Curtis,	Mr. Olin,	Mr. Stockton,	
Mr. Hammond,	Mr. Philbrick,	Mr. Tinney,	
Mr. Humphrey,	Mr. Richardson,	Mr. Walker,	18

NAYS.

Mr. Brown,	Mr. Hawley,	Mr. Rogers,
Mr. Castle,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Larue,	Mr. G. Spencer,
Mr. Copeland,	Mr. Mather,	Mr. Sprague,

Mr. Daniels,	Mr. J. Miller,	Mr. Strong,
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Drew,	Mr. Pierce,	Mr. Wilcox,
Mr. Geddes,	Mr. Porter,	Mr. Willits,
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,
Mr. Harding,		

28

The question then being upon ordering said bill engrossed for a third reading,

Mr. Daniels moved the previous question; which motion was sustained.

And the question being, shall the main question be now put? the same was decided in the affirmative, by the following vote:

YEAS.

Mr. Castle,	Mr. Lamb,	Mr. Rogers,
Mr. Cook,	Mr. Larue,	Mr. Root,
Mr. Copeland,	Mr. Mather,	Mr. G. Spencer,
Mr. Daniels,	Mr. Metcalf,	Mr. Sprague,
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Drew,	Mr. Morton,	Mr. Wilcox,
Mr. Geddes,	Mr. Pierœ,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	Mr. Speaker,
Mr. Hawley,	Mr. Renwick,	

26

NAYS.

Mr. Barlow,	Mr. Humphrey,	Mr. Russell,
Mr. Bingham,	Mr. Leech,	Mr. Smith,
Mr. Brown,	Mr. J. Miller,	Mr. M. Spencer,
Mr. Bush,	Mr. Olin,	Mr. Stockton,
Mr. Curtis,	Mr. Philbrick,	Mr. Strong,
Mr. Hammond,	Mr. Redfield,	Mr. Tinney,
Mr. Harding,	Mr. Richardson,	Mr. Walker,

21

And the main question being shall the bill be now engrossed for a third reading? the same prevailed, by the following vote:

YEAS.

Mr. Bush,	Mr. Hawley,	Mr. Root,
Mr. Castle,	Mr. Lamb,	Mr. G. Spencer,
Mr. Cook,	Mr. Mather,	Mr. Sprague,
Mr. Copeland,	Mr. Metcalf,	Mr. Stockton,
Mr. Daniels,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,
Mr. Drew,	Mr. Porter,	Mr. Willits,
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,
Mr. Gillett,	Mr. Rogers,	

26

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Russell,
Mr. Brown,	Mr. J. Miller,	Mr. Smith,
Mr. Curtis,	Mr. Morton,	Mr. M. Spencer,
Mr. Hammond,	Mr. Olin,	Mr. Strong,
Mr. Harding,	Mr. Philbrick,	Mr. Tinney,
Mr. Humphrey,	Mr. Redfield,	Mr. Walker,
Mr. Larue,	Mr. Richardson,	

20

On motion of Mr. Tinney,

The House then adjourned until to-morrow morning, at nine o'clock.

Wednesday, April 7, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Messrs. Harding and Larue were absent without leave.

Mr. M. Spencer presented a petition from sundry citizens of Calhoun county, praying that the "appraisal law" may be so amended as to give the right of redemption after the sale of lands under said law. Referred to the committee on the judiciary.

Mr. Renwick, from the committee on ways and means, to which had been referred the Senate "bill to authorize the settlement of debts due to the state of Michigan, and for other purposes," reported the same back to the House, with sundry amendments; and the bill was referred to the committee of the whole, and placed on the general order.

Mr. Copeland, from the committee on towns and counties, reported "a bill to attach Presque Isle, and certain islands, to the township of Holmes, in the county of Mackinac, for judicial purposes;" which was read twice, and ordered to a third reading.

On motion of Mr. Metcalf,

The twenty-second rule was suspended, in order that the bill might then come up on its third reading; and the said bill was then read a third time and passed.

On motion of Mr. Coates,

The preamble and joint resolution offered by him, and laid on the table yesterday, relative to the price of printing, were taken up for consideration; and,

On motion of Mr. Porter,

The same were then referred to the committee on printing.

Mr. Bingham, by general consent, introduced "a bill in relation to county registers;" which bill was twice read, and referred to the committee on the judiciary.

Mr. Walker gave notice, that at a future time, he would introduce "a bill supplementary to 'An act relative to primary schools,' approved April 6, 1841."

The House then resolved itself into committee of the whole, on the first special order, it being the "bill for the regulation of township officers, and for other purposes;" Mr. Stockton in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments; which were concurred in by the House.

Mr. Porter then moved to further amend the said bill, by adding the following section to stand as

"Sec. 6. The seventh line of section third of 'An act relative to highway taxes,' approved March 20, 1840," shall be, and hereby is amended, by inserting the word 'non-resident,' before 'lands,' so that the same, in connection with the following line, shall read as follows: 'No tax shall be assessed on any non-resident lands, except in the district where the same are situated.'"

Mr. Pierce moved to indefinitely postpone the further consideration of said bill; which motion did not prevail.

The question then recurring upon Mr. Porter's amendment, it was not adopted.

Mr. Walker then offered the following, as an amendment, to stand as

"Sec 6. That overseers of highways be required to execute to the commissioners of highways, of the township in which they reside, before entering upon the duties of their office, good

and sufficient bonds, with one or more sureties, to be approved by said commissioners, in the sum of two hundred dollars, conditioned for the faithful disbursement and laying out of any moneys that may come into their hands."

Which amendment was not adopted.

Mr. Lamb then offered the following to stand as an additional section to the bill:

"Sec. —. That section four, in the third line of this act be, and the same is hereby so amended as to read seventy-five cents, instead of sixty-two and a half; and further that section five, in the fifth line be, and the same is so amended, so as to read, estimating a days' work at one dollar per day, instead of seventy-five cents;" which motion was rejected, by the following vote:

YEAS.

Mr. Bingham,
Mr. Bush,
Mr. Castle,
Mr. Curtis,
Mr. Hammond,

Mr. Lamb,
Mr. Leech,
Mr. H. L. Miller,
Mr. Philbrick,
Mr. Porter,

Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Walker,

14

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Coates,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Drew,
Mr. Geddes,
Mr. Gillett,
Mr. Hawley,

Mr. Humphrey,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,
Mr. Rogers,
Mr. Root,

Mr. Russell,
Mr. Smith,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

32

On motion of Mr. Lamb,

The following was then adopted, to stand as section eight of said bill, to wit:

"Sec. 8. All acts or parts of acts contravening the provisions of this act be, and the same are hereby repealed."

Mr. Smith then offered the following as an additional section, to wit:

"Sec. —. And the overseers of highways shall in like manner, execute bonds to the commissioners, in the sum of two

hundred and fifty dollars, for the faithful disbursement of all moneys which may come into their hands, and the faithful discharge of their duties."

Which amendment was not adopted.

The said bill was then ordered engrossed for a third reading.

Mr. Walker moved to adjourn until two o'clock, P. M.; which motion did not prevail.

The House then resolved itself into committee of the whole, on the second special order, it being the Senate "bill to provide for the payment of the members and officers of the present legislature;" Mr. Brown in the chair.

After some time spent thereon, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Metcalf, the House adjourned, until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Harding, Larue and Renwick, were absent without leave.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, April 6, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House of Representatives, "a bill to repeal certain laws imposing specific state taxes upon banks," which the Senate have passed by a two-thirds vote, and respectfully ask the concurrence therein, of the House of Representatives.

Also, I am directed to return the House "bill to reduce the price of public printing, and for other purposes," and to inform you that the Senate have concurred in the House amendment to the Senate amendments to said bill, and the Senate have passed the bill accordingly.

D. W. KELLOGG,
Secretary of the Senate.

The bill transmitted by the above message, was twice read, and referred to the committee on the judiciary.

On motion of Mr. Porter,

The House again resolved itself into committee of the whole, on the Senate "bill to provide for the payment of the members and officers of the present legislature;" Mr. Brown in the chair.

After some time spent thereon, the committee rose, and reported the same back to the House, with sundry amendments.

The amendments reported by the committee, were all concurred in by the House; that allowing extra pay to the member from Mackinac and Chippewa counties, by yeas and nays, as follows:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Richardson,
Mr. Bingham,	Mr. Leech,	Mr. Russell,
Mr. Brown,	Mr. Mather,	Mr. Smith,
Mr. Bush,	Mr. J. Miller,	Mr. M. Spencer,
Mr. Clark,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Coates,	Mr. Olin,	Mr. Tinney,
Mr. Hammond,	Mr. Philbrick,	Mr. Walker,
Mr. Hawley,	Mr. Redfield,	Mr. Speaker,

24

NAYS.

Mr. Castle,	Mr. Gillett,	Mr. G. Spencer,
Mr. Cook,	Mr. Lamb,	Mr. Strong,
Mr. Copeland,	Mr. Morton,	Mr. Tyler,
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,
Mr. Dolsen,	Mr. Rogers,	Mr. Willits,
Mr. Geddes,	Mr. Root,	

17

On motion of Mr. Coates,

The bill was further amended so that the messengers of each house shall receive one dollar and twenty-five cents per day, in lieu of one dollar.

Mr. Smith offered the following amendment: "the sum of eighty dollars to the recording clerk, for completing the journals, after the adjournment; which was negatived, as follows:

YEAS.

Mr. Brown,	Mr. Mather,	Mr. Stockton,
Mr. Copeland,	Mr. Metcalf,	Mr. Tyler,
Mr. Dolsen,	Mr. J. Miller,	Mr. Wilcox,
Mr. Drew,	Mr. Morton,	Mr. Wood,
Mr. Geddes,	Mr. Smith,	Mr. Speaker,
Mr. Gillett,		

16

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. Root,
Mr. Bingham,	Mr. H. L. Miller,	Mr. Russell,
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,
Mr. Clark,	Mr. Philbrick,	Mr. G. Spencer,
Mr. Coates,	Mr. Pierce,	Mr. Strong,
Mr. Cook,	Mr. Porter,	Mr. Tinney,
Mr. Daniels,	Mr. Redfield,	Mr. Walker,
Mr. Hammond,	Mr. Rogers,	Mr. Willits,
Mr. Hawley,		

25

Mr. Cook moved to amend the bill, so as to allow the recording clerk sixty dollars, for bringing up the journal; which motion prevailed.

Mr. Hammond offered the following amendment: "A further sum, not exceeding three hundred dollars be, and the same is hereby appropriated, to pay for the several newspapers furnished members of the legislature, not otherwise provided for in this act, to be paid by the state treasurer, on the certificate of the secretary of the Senate and clerk of the House of representatives, respectively."

The amendment was adopted, and the bill was then ordered to a third reading.

On motion of Mr. Metcalf,

The twenty-second rule of the House was suspended, that the bill might come up on its third reading; and the bill was then read a third time and passed.

On motion of Mr. Walker,

The committee of the whole was discharged from the consideration of the Senate "bill to authorize certain persons to erect a dam across the Kalamazoo river," and the same was taken up and ordered to a third reading.

On motion of Mr. Daniels,

The twenty-second rule was suspended, in order that the bill might then come up on its third reading; and the bill was accordingly read a third time and passed.

On motion of Mr. G. Spencer,

The "bill relative to the use of the Central railroad," was taken up from the table; and the question being upon concurring in the report of the committee of the whole,

On motion of Mr. Lamb,

The further consideration of said bill was then indefinitely postponed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Geddes,	Mr. Olin,
Mr. Bingham,	Mr. Gillett,	Mr. Philbrick,
Mr. Brown,	Mr. Hawley,	Mr. Porter,
Mr. Clark,	Mr. Humphrey,	Mr. Root,
Mr. Coates,	Mr. Lamb,	Mr. Stockton,
Mr. Copeland,	Mr. Mather,	Mr. Tyler,
Mr. Dolsen,	Mr. J. Miller,	Mr. Speaker,
Mr. Drew,	Mr. Morton,	

23

NAYS.

Mr. Cook,	Mr. Pierce,	Mr. Strong,
Mr. Daniels,	Mr. Richardson,	Mr. Tinney,
Mr. Hammond,	Mr. Rogers,	Mr. Walker,
Mr. Leech,	Mr. Smith,	Mr. Wilcox,
Mr. Metcalf,	Mr. G. Spencer,	Mr. Willits,
Mr. H. L. Miller,		

16

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the "bill to prevent the killing of deer in certain seasons of the year, and for other purposes;" and the same was taken up in the House.

On motion of Mr. Daniels,

The further consideration of said bill was then indefinitely postponed.

On motion of Mr. Hammond,

The House resolved itself into committee of the whole, on the "bill to simplify proceedings at law, in certain cases, and render the same less expensive;" Mr. Bingham in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with amendments, which were concurred in by the House.

Mr. Strong moved to amend the said bill, by striking out the sixth section; which motion did not prevail.

On motion of Mr. J. Miller,

The said bill was further amended, by inserting after the word "demand," in the seventh line of the first section, the words, "and a tender, if required."

Mr. Lamb moved to indefinitely postpone the further consideration of said bill, which motion did not prevail; the said bill was then ordered to a third reading.

On motion of Mr. Morton,

The twenty-second rule was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

On motion of Mr. Walker,

Resolved, That the committee on the judiciary, inquire into the expediency of renewing an act entitled "An act to exempt grain while growing, and other unharvested crops, from sale under execution, approved April 1st, 1840."

On motion of Mr. Porter,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the seventh line of section third of "An act relative to highway taxes," approved April 20, 1840, by inserting the word "non-resident," before the word "lands," so that the same shall read as follows: "no tax shall be assessed on any non-resident lands, except in the district where the same are situated."

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Wednesday, April 7, 1841. }

SIR—I am instructed by the Senate, to return the House "bill making appropriations for payment for railroad iron, purchased of Hicks & Co., of the city of New-York, in 1838," with an amendment by the Senate.

And also, to return, with the concurrence of the Senate, the House "bill relative to the Palmyra and Jacksonburg railroad company."

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the Senate amendment to the "bill making appropriations for payment for railroad iron, purchased of Hicks & Co., in the city of New-York, in 1838;" when,

On motion of Mr. Humphrey, the House adjourned.

Thursday, April 8, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Messrs. Harding and Mather were absent without leave.

CLAIMS.

Mr. Castle presented the claim of George Coombs, keeper of the capitol, for services.

Mr. Metcalf presented the claim of J. W. Talbot, for serving injunction on the Farmers' and Mechanics' bank of St. Joseph county.

Mr. Gillett presented the claim of Sidney L. Rood, for stationery furnished the House of Representatives. All of which were referred to the committee on claims.

REPORTS.

Mr. Porter, from the committee on the judiciary, reported "a bill amendatory to 'An act relative to highway taxes,' approved March 20, 1840;" which was twice read, and,

On his motion; laid on the table.

Mr. Hammond, from the same committee, to which had been referred the Senate bill number fifty-five, and House bill number one hundred and twenty-one, both being bills supplementary to the (so called) appraisal bill, reported the same back to the House, and recommended the passage of the Senate bill, with sundry amendments suggested by said committee; and,

On his motion, the said bill was placed first on the general order, and the House bill was laid on the table.

Mr. Walker, from the same committee, reported "a bill to renew an act entitled 'An act to exempt grain while growing, and other unharvested crops, from sale under execution,' approved April 1, 1840;" which was twice read and laid on the table.

The same, from the same committee, to which was referred the Senate "bill for the relief of Job Slatford," reported the same back, adversely to the passage of the same; and, upon his motion, the committee was discharged from its further con-

sideration, and the bill was referred to the committee of the whole, and placed on the general order.

Mr. Richardson, from the same committee, to which had been referred "a bill in relation to county registers," reported the same back with sundry amendments, recommending its passage; and the bill was referred to the committee of the whole, and placed on the general order.

Mr. G. Spencer, from the same committee, to which was referred Senate "bill to repeal certain laws imposing specific state taxes upon banks," reported the same back, recommending its passage; and the bill was referred to the committee of the whole and placed on the general order.

Mr. G. Spencer, from the same committee, to which was referred the joint resolution recommending an alteration of the constitution, so as to allow colored persons the right of suffrage, reported the same back with an amendment, and recommended its passage. The amendment was then concurred in by the House.

Mr. Curtis then moved to amend said resolution, by striking out all relative to persons of color.

Mr. Coates moved the indefinite postponement of the further consideration of said resolutions; which motion was negatived, as follows:

YEAS.

Mr. Bush,	Mr. J. Miller,	Mr. M. Spencer,
Mr. Clark,	Mr. Redfield,	Mr. Stockton,
Mr. Coates,	Mr. Richardson,	Mr. Tinney,
Mr. Curtis,	Mr. Russell,	Mr. Wood,
Mr. Leech,		

13

NAYS.

Mr. Barlow,	Mr. Hammond,	Mr. Root,
Mr. Bingham,	Mr. Humphrey,	Mr. Smith,
Mr. Brown,	Mr. Lamb,	Mr. G. Spencer,
Mr. Castle,	Mr. Larue,	Mr. Sprague,
Mr. Cook,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Walker,
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,
Mr. Drew,	Mr. Porter,	Mr. Willits,
Mr. Geddes,	Mr. Rogers,	Mr. Speaker,

30

The question then recurring on the motion of Mr. Curtis, the same was lost by the following vote:

YEAS.

Mr. Bush,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Drew,

Mr. Larue,
Mr. Leech,
Mr. Morton,
Mr. Redfield,

Mr. Russell,
Mr. Stockton,
Mr. Tinney,
Mr. Wood,

13

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Hammond,

Mr. Humphrey,
Mr. Lamb,
Mr. Metcalf,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Rogers,
Mr. Root,
Mr. Smith,

Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Speaker,

29

Mr. Coates then moved to strike out all that part of the resolution requiring a property qualification; which motion did not prevail.

Mr. G. Spencer moved to amend said resolution, by inserting after the word "dollars," the following: "over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon; which motion prevailed, as follows:

YEAS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Hammond,

Mr. Hawley,
Mr. Lamb,
Mr. Metcalf,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Rogers,
Mr. Root,
Mr. Smith,

Mr. M. Spencer,
Mr. G. Spencer,
Mr. Sprague,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Wood,
Mr. Speaker,

26

NAYS.

Mr. Bush,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Humphrey,

Mr. Larue,
Mr. Leech,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Redfield,

Mr. Russell,
Mr. Stockton,
Mr. Strong,
Mr. Tinney,
Mr. Willits,

17

Mr. Curtis offered the following, to come in after "election," where it occurs the third time: "and all unmarried females who shall pay a tax;" which amendment was not adopted.

Mr. Leech then offered the following, to come in at the same place, as proposed to insert the preceding amendment, to wit: "and that every unmarried female twenty-one years of age, possessed of a freehold estate worth two hundred and fifty dollars, shall have the right to vote;" which motion was negatived, as follows:

YEAS.

Mr. Bingham,	Mr. Humphrey,	Mr. Redfield,	
Mr. Bush,	Mr. Leech,	Mr. Stockton,	
Mr. Curtis,	Mr. Morton,	Mr. Wood,	
Mr. Drew,			10

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Root,	
Mr. Brown,	Mr. Lamb,	Mr. Smith,	
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,	
Mr. Clark,	Mr. Metcalf,	Mr. Sprague,	
Mr. Coates,	Mr. J. Miller,	Mr. Strong,	
Mr. Cook,	Mr. H. L. Miller,	Mr. Tinney,	
Mr. Copeland,	Mr. Philbrick,	Mr. Tyler,	
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Rogers,	Mr. Speaker,	
Mr. Gillett,			31

Mr. Bush then offered to add the following amendment, to wit: "and that every Indian who owns in his own right, two hundred and fifty dollars worth of real estate, shall be entitled to the right of suffrage;" which was lost.

On motion of Mr. Leech,

The words "person or Indian being a," were inserted after the words "colored male;" and the resolutions as amended, read as follows, to wit:

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment be, and the same is hereby proposed to the constitution of said state, to be referred to the next legislature and published in accordance with the provisions of the first section of the thirteenth article

of the constitution; amend the first section of the second article of the constitution, so that the same may read as follows:

“In all elections, every white male citizen, above the age of twenty-one years, having resided in the state six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of this state, at the time of signing the constitution; and every colored male person or Indian, being a citizen of the United States, of the age aforesaid, who shall be the owner of a freehold property of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, and who shall have resided in this state one year next preceding the election, shall have the right of voting, as aforesaid; but no such citizen or inhabitant shall be entitled to vote except in the township or ward in which he shall actually reside at the time of such election, and unless he shall have continually resided in the county in which such township or ward is situated, for thirty days next preceding the time of such election.”

And the same was then adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Smith,	
Mr. Bingham,	Mr. Lamb,	Mr. M. Spencer,	
Mr. Brown,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Cook,	Mr. J. Miller,	Mr. Sprague,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tyler,	
Mr. Dolsen,	Mr. Morton,	Mr. Walker,	
Mr. Geddes,	Mr. Porter,	Mr. Wilcox,	
Mr. Hammond,	Mr. Root,	Mr. Willits,	
Mr. Hawley,	Mr. Russell,	Mr. Speaker,	27

NAYS.

Mr. Bush,	Mr. Drew,	Mr. Redfield,	
Mr. Castle,	Mr. Larue,	Mr. Rogers,	
Mr. Clark,	Mr. Leech,	Mr. Stockton,	
Mr. Coates,	Mr. Olin,	Mr. Strong,	
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,	
Mr. Daniels,	Mr. Pierce,	Mr. Wood,	18

Mr. Larue, from the committee on claims, to which was referred various claims, reported “a bill authorizing the pay-

ment of certain claims therein named;" which bill was twice read; and,

On motion of Mr. Metcalf, was placed first on the general order for to-morrow.

Mr. Metcalf laid on the table, the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby fully authorized and required to adjust and settle all outstanding claims against the state, for the committee of investigation concerning the proceedings of the several boards of internal improvement, and draw his warrant on the treasury for such sums as he shall find justly due.

Mr. Walker, pursuant to previous notice, asked and obtained leave to introduce "a bill supplementary to an act entitled 'An act amendatory to 'An act to amend the revised statutes, 'relative to primary schools,' approved April 1, 1840,'" approved April 6, 1841;" which was twice read and referred to the committee of the whole.

Mr. Smith moved that the House take up the joint resolution relative to so amending the constitution as to authorize biennial instead of annual sessions of the legislature; the motion was negatived.

Mr. Bingham, by general consent, introduced "a bill to amend an act entitled 'An act to organize the county of Ingham;'" which was twice read, and ordered to a third reading; and on his motion, the twenty-second rule was suspended, that the bill might come up for a third reading; and the same was then read a third time, and passed.

On motion of Mr. Porter,

The House took up the "bill amendatory to 'An act relative to highway taxes,' approved March 20, 1840;" and the same was then ordered to a third reading; on his motion the twenty-second rule was suspended, that the bill might then be read a third time; and the bill was accordingly read a third time and passed.

On motion of Mr. Walker,

The House took up for consideration, the "bill relative to the exemption of unharvested crops from execution;" and the same was ordered to a third reading; on his motion the twenty-second rule was suspended, that the bill might then come up for a third reading; and the same was then read a third time and passed.

The "bill to apportion anew the representatives and senators among the several counties and districts of this state;" was then read a third time, and the question being upon its passage,

Mr. Hammond asked the unanimous consent of the House to so amend the bill as to form a representative district of the counties of Calhoun and Branch, and to elect four members; which was not agreed to, whereupon he offered the following preamble and resolution:

Whereas, by the bill now before the House for the apportionment of senators and representatives, a provision is made for electing eighteen senators, which entitles this House to fifty-four members; *and whereas*, by the present bill, great and manifest injustice is done to the counties of Calhoun and Branch, leaving an unrepresented fraction in Calhoun of 2,406; and an unrepresented fraction in Branch of 1,620; *and whereas*, by the union of those fractions, the said counties of Branch and Calhoun want but sixty-five inhabitants to entitle them to an additional representative; therefore,

Resolved, That the bill to apportion the senators and representatives, be recommitted to the committee on the judiciary, with instructions to report the same back forthwith, amended, so as to give to the counties of Branch and Calhoun four representatives in one district.

On motion of Mr. Sprague,

A call of the House was ordered; and the roll having been called, the following members were absent without leave, viz: Messrs. Harding, Hawley, Mather and Renwick.

On motion of Mr. Bingham,

The further proceedings under the call were dispensed with. The question then recurring upon the adoption of the pre-

amble and resolution offered by Mr. Hammond, it was decided in the negative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Russell,	
Mr. Bingham,	Mr. Humphrey,	Mr. Smith,	
Mr. Brown,	Mr. Leech,	Mr. M. Spencer,	
Mr. Bush,	Mr. Olin,	Mr. Stockton,	
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,	
Mr. Coates,	Mr. Redfield,	Mr. Walker,	
Mr. Curtis,	Mr. Richardson,	Mr. Speaker,	21

NAYS.

Mr. Castle,	Mr. Lamb,	Mr. Rogers,	
Mr. Cook,	Mr. Larue,	Mr. Root,	
Mr. Copeland,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Daniels,	Mr. J. Miller,	Mr. Sprague,	
Mr. Dolsen,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Drew,	Mr. Morton,	Mr. Tyler,	
Mr. Geddes,	Mr. Pierce,	Mr. Wilcox,	
Mr. Gillett,	Mr. Porter,	Mr. Willits,	
Mr. Hawley,			25

On motion of Mr. Barlow, and by general consent, the bill was so amended that the representative district comprising the counties of Allegan, Barry, Eaton and Ingham, was divided into two districts, viz: Allegan and Barry to elect one representative, and Eaton and Ingham to elect one.

Mr. Stockton then moved to recommit the bill to the select committee, with instructions to amend the bill and give nineteen senators and fifty-six representatives; the additional representatives to be given as follows: one to Calhoun, one to Monroe, one to Macomb and one to Jackson; which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,	
Mr. Curtis,	Mr. Olin,	Mr. M. Spencer,	
Mr. Drew,	Mr. Philbrick,	Mr. Stockton,	
Mr. Hammond,	Mr. Redfield,	Mr. Tinney,	
Mr. Humphrey,	Mr. Richardson,	Mr. Walker,	
Mr. Lamb,	Mr. Russell,	Mr. Wood,	18

NAYS.

Mr. Brown,	Mr. Gillett,	Mr. Rogers,
Mr. Bush,	Mr. Larue,	Mr. Root,
Mr. Castle,	Mr. Metcalf,	Mr. G. Spencer,

Mr. Coates,	Mr. J. Miller,	Mr. Sprague,	
Mr. Cook,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. Morton,	Mr. Tyler,	
Mr. Daniels,	Mr. Pierce,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	27

Mr. Walker then asked the unanimous consent of the House to strike out the word "one," after "mentioned," in the 18th line, and to insert "two," in lieu thereof, so that Ottawa, Kent and Ionia, and the other counties thereunto attached, shall have two representatives; the request was not acceded to. The question then recurring upon the passage of said bill,

Mr. G. Spencer moved the previous question; which motion was sustained.

And the question being, shall the main question be now put? the same was decided in the affirmative, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hawley,	Mr. Rogers,	
Mr. Brown,	Mr. Lamb,	Mr. Root,	
Mr. Castle,	Mr. Larue,	Mr. G. Spencer,	
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Daniels,	Mr. Morton,	Mr. Tyler,	
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,	
Mr. Drew,	Mr. Porter,	Mr. Willits,	
Mr. Geddes,	Mr. Renwick,	Mr. Speaker,	
Mr. Gillett,			28

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Smith,	
Mr. Bush,	Mr. Olin,	Mr. M. Spencer,	
Mr. Clark,	Mr. Philbrick,	Mr. Stockton,	
Mr. Coates,	Mr. Redfield,	Mr. Tinney,	
Mr. Curtis,	Mr. Richardson,	Mr. Walker,	
Mr. Hammond,	Mr. Russell,	Mr. Wood,	
Mr. Humphrey,			19

And the main question being, shall the bill pass? the same was decided in the affirmative, as follows:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Rogers,
Mr. Brown,	Mr. Hawley,	Mr. Root,
Mr. Castle,	Mr. Lamb,	Mr. G. Spencer,

Mr. Cook,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Tyler,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolsen,	Mr. Pierce,	Mr. Willits,
Mr. Drew,	Mr. Porter,	Mr. Speaker,
Mr. Geddes,	Mr. Renwick,	

26

NAYS.

Mr. Bingham,	Mr. Larue,	Mr. Smith,
Mr. Bush,	Mr. Lecch,	Mr. M. Spencer,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Strong,
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,
Mr. Hammond,	Mr. Richardson,	Mr. Walker,
Mr. Humphrey,	Mr. Russell,	Mr. Wood,

21

The title of the bill being then under consideration,

Mr. M. Spencer moved that the following be substituted therefor:

“The political gerrymandering bill, prepared in whig caucus.” Whereupon,

Mr. Porter raised the following question of order:

“Whether the language of the proposed amendment is not discourteous, intending to impugn the motives of a majority of this House, and therefore out of order.”

The Chair decided the amendment out of order.

Mr. Hammond then moved to amend the title by adding the following thereto, to wit:

“And for gerrymandering the state for political and other purposes.”

Mr. Coates moved to amend the amendment, by adding the following:

“And also a bill to preserve a ragged majority in the Senate, another year; which amendment was lost.

The question then recurring upon Mr. Hammond’s amendment, the same was also rejected.

Mr. Walker then moved to add the following at the end of the title: “So as to procure whig majorities;” which amendment was not adopted.

The title of said bill was then adopted; when,

On motion of Mr. Geddes, the House adjourned until half past two o’clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Bush, Harding, Mather, Renwick and Sprague, were absent without leave.

Mr. Humphrey presented the claim of Alfred G. Bates, for certain services rendered the state. Referred to the committee on claims.

The House not having gone through with the morning business, the "bill for the regulation of township officers, and for other purposes," was then read a third time and passed.

The title of said bill being then under consideration,

On motion of Mr. J. Miller,

The following was adopted as a substitute therefor, to wit:

"A bill to prescribe certain duties of commissioners of highways and other township officers, and for other purposes."

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Thursday, April 8, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate to return to the House, three several bills, which the Senate have passed with amendments, in which the concurrence of the House is respectfully requested; said bills are entitled as follows:

"To attach Presque Isle and certain islands to the township of Holmes, in the county of Mackinac, for judicial purposes."

"Relative to the duties of township treasurers."

"To provide for the payment of certain claims therein mentioned."

Also, I am instructed to transmit to the House, "a bill to incorporate the Monroe city band;" which the Senate have passed by a two-third vote:

Also, "a bill to provide for making a general index to all books in the offices of the registers of deeds of the respective counties of this state;" which the Senate have passed, in each of which the concurrence of the House is respectfully asked.

I am also directed to return to the House of Representatives,

the Senate "bill to provide for the payment of the members and officers of the present legislature," together with the House amendments to the same, in several of which the Senate non-concur; others, the Senate have amended and concurred in, as per accompanying abstract.

D. W. KELLOGG,
Secretary of the Senate.

The House then concurred in the Senate amendments made to the "bill to attach Presque Isle, and certain islands to the township of Holmes, in the county of Mackinac, for judicial purposes."

The "bill to incorporate the Monroe city band," was twice read, and referred to the committee on the militia.

And the House non-concurred in the first, and concurred in the second Senate amendment made to the "bill relative to the duties of treasurers;" when,

On motion of Mr. Pierce,

A committee of conference, on the part of the House, was appointed to confer with a similar committee on the part of the Senate, in relation to the existing disagreement in reference to said bill; and,

The Chair announced as such committee, Messrs. Pierce, Hammond and G. Spencer.

On motion of Mr. Larue,

The "bill, (with the Senate amendments,) to provide for the payment of certain claims therein mentioned," was recommit-
ted to the committee on claims.

The "bill to provide for the payment of the members and officers of the present legislature," being then under consideration,

Mr. G. Spencer moved that the House recede from its amendment, allowing to the members from Mackinac and Chippewa, thirty days' extra pay; which motion was decided in the negative, by the following vote:

YEAS.

Mr. Brown,
Mr. Castle,
Mr. Cook,

Mr. Gillett,
Mr. Lamb,
Mr. Larue,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,

Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,

Mr. Metcalf,
Mr. Morton,
Mr. Porter,

Mr. Strong,
Mr. Wilcox,
Mr. Willits,

19

NAYS.

Mr. Bingham,
Mr. Clark,
Mr. Coates,
Mr. Curtis,
Mr. Hammond,
Mr. Hawley,
Mr. Humphrey,
Mr. Leech,

Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Russell,

Mr. Smith,
Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Speaker,

22

The House, also, insisted upon its amendment in relation to the compensation allowed the clerk, for superintending the publication of the journals and documents of the House of Representatives.

On motion of Mr. Coates,

The House also insisted upon its amendment relative to the pay of messengers of each house, by the following vote:

YEAS.

Mr. Brown,
Mr. Clark,
Mr. Coates,
Mr. Dolsen,
Mr. Drew,
Mr. Gillett,
Mr. Hammond,
Mr. Humphrey,
Mr. Leech,

Mr. Metcalf,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Redfield,
Mr. Richardson,
Mr. Root,
Mr. Russell,
Mr. Smith,

Mr. M. Spencer,
Mr. Stockton,
Mr. Tinney,
Mr. Tyler,
Mr. Walker,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

26

NAYS.

Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Geddes,
Mr. Hawley,

Mr. Larue,
Mr. J. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,

Mr. Rogers,
Mr. G. Spencer,
Mr. Strong,
Mr. Wilcox,

14

On motion of Mr. Stockton,

The House also insisted upon its amendment, appropriating sixty dollars to the recording clerk of the House, for bringing up the record of the journals of the House, by the following vote:

YEAS.

Mr. Barlow,	Mr. Hammond,	Mr. Root,
Mr. Brown,	Mr. Lamb,	Mr. Russell,
Mr. Castle,	Mr. Larue,	Mr. Smith,
Mr. Coates,	Mr. Metcalf,	Mr. Tinney,
Mr. Cook,	Mr. J. Miller,	Mr. Tyler,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Walker,
Mr. Daniels,	Mr. Morton,	Mr. Wilcox,
Mr. Dolseu,	Mr. Pierce,	Mr. Willits,
Mr. Drew,	Mr. Porter,	Mr. Wood,
Mr. Geddes,	Mr. Richardson,	Mr. Speaker,
Mr. Gillett,	Mr. Rogers,	

32

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Philbrick,
Mr. Clark,	Mr. Olin,	Mr. M. Spencer,

6

The House then concurred in the Senate amendment to the House amendment, relative to the appropriation for the payment of newspapers furnished the members of the present legislature.

Mr. Pierce then moved that the House appoint a committee of conference on their part, to confer with a like committee on the part of the Senate; which motion was decided in the affirmative; and,

The Chair announced as such committee, Messrs. Pierce, Larue, Smith, Metcalf and Stockton.

On motion of Mr. Richardson,

The House resolved itself into committee of the whole, on the Senate "bill in relation to the assessment of real and personal property;" Mr. G. Spencer in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with an amendment, to wit: striking out all after the enacting clause; which amendment was concurred in.

On motion of Mr. Bingham,

The further consideration of the enacting clause of said bill was then postponed until the first day of January next.

On motion of Mr. Hammond,

The House resolved itself into committee of the whole, on the Senate "bill supplementary to 'An act relative to the sale

of real and personal estate on execution,' approved March 27, 1841;" Mr. Walker in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by the House; and the said bill was then ordered engrossed for a third reading.

Mr. Hawley laid on the table, by general consent, the following preamble and joint resolution:

Whereas, It is considered that the interest of the state may be best preserved and promoted by leasing its interest in the Central railroad; *and, whereas*, sufficient reasons are represented, by individual propositions to take said road from the state; *and, whereas*, the excess of receipts over the expenditures upon said road, during the year eighteen hundred and forty, as appears from reports made to the legislature, amount to about \$18,000 00; *and, whereas*, a proposition is now made to the state by Julius Eldred, Jonas H. Titus, Hirah J. Spaulding and David French, to take said road, as far as completed, or may be completed within the time so leased from the state, for the period of one year, and to pay for the use of said road, the sum of twenty-four thousand dollars; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of commissioners of internal improvement, are hereby authorized and directed to lease to said Julius Eldred, Jonas H. Titus, Hirah J. Spaulding and David French, the interest of the state in said road, and all fixtures and property belonging thereto, for the period of one year, from and after the first day of May next, upon the following conditions:

First. That said board of commissioners are hereby directed to put said road in good running repair, with the exception of the bridge over the River Rouge; the necessary repairs upon said bridge to be at the expense of said company.

Second. That the board of commissioners shall cause to be made, an inventory of all fixtures and property appertaining to the road, including cars, locomotives, depots and buildings, and every other species of property connected therewith; also, an

accurate measurement of the wood belonging to said state, appropriated for the use of said road, which quantity, quality, and amount of wood, said company shall return to the state, at the expiration of said year; and that all of the above fixtures and property appertaining to said road, shall be returned by said company to the state, at the expiration of said year, in as good condition and repair, as when taken by said company, ordinary wear and tear excepted.

Third. That said board of commissioners shall lease to said company, upon the following conditions.

That said company shall pay to the state the sum of \$2,000, for the use of said road, monthly in advance; that said company shall transport, free of charge to the state, all railroad iron, spike, or connecting plate, that the said board of commissioners may require to be transported for the further completion of said road.

That said company shall execute to the state, a sufficient bond for the faithful performance of their trust, signed by the members of said company, with four sureties, to be approved of by . Said road, cars, locomotives, and all property to remain under the supervision of said commissioners of internal improvement, and no alteration in time of running, or alteration in the prices for freight or passengers, from that now charged by the state, without the consent of said commissioners.

Mr. Gillett reported as correctly enrolled, "An act making appropriation for railroad iron, purchased of Hicks & Co., of the city of New York, in 1838."

On motion of Mr. Barlow, the House then adjourned, until to-morrow morning, at nine o'clock.

Friday, April 9, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Messrs. Curtis, Dolsen, Harding, Humphrey, Larue, Philbrick and Renwick were absent without leave.

Mr. Pierce asked and obtained leave of absence for Mr. Renwick, on account of indisposition.

Mr. Stockton presented the claim of William S. Driggs, for services in the executive office.

Mr. Coates presented the claim of A. S. Bagg, for stationery. Both referred to committee on claims.

REPORTS.

Mr. Smith, from the committee on militia, to which was referred the Senate "bill to incorporate the Monroe city band;" reported the same back without amendment, and recommended its passage; and the bill was referred to the committee of the whole, and placed on the general order.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Thursday, April 8, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the directions of the Senate, I herewith return, with the concurrence of the Senate, the "bill to provide for the improvement of the navigation of the Kalamazoo and St. Joseph rivers."

I also, herewith return the House "bill to reduce the price of university and school lands, and for other purposes," and the House "bill to provide for the laying out of certain state roads, and for other purposes;" both of which the Senate have passed with amendments to each, respectively.

Also, I am instructed by the Senate, to transmit to the House of Representatives, "a bill to incorporate the Ypsilanti band," and a "joint resolution relative to the bank of Adrian," both of which the Senate have passed and respectfully ask the concurrence of the House in the same.

And also, "a bill to amend chapter five, title three, part three of the revised statutes, entitled 'of forcible entry and detainer,'" which the Senate has also passed, and request the concurrence of the House.

D. W. KELLOGG,
Secretary of the Senate.

The House then concurred in the amendments of the Senate, made to the "bill to reduce the price of university and school lands, and for other purposes."

The "bill to provide for the laying out of certain state roads, and for other purposes," being under consideration, and the question being upon concurring in the amendment of the Senate,

On motion of Mr. Hammond,

The Senate amendment was then amended by inserting the following to stand as

"Sec. 10. The county commissioners shall have power to direct the highway commissioners of any township within their county, to open so much of any state road as is laid out in their township, if in their opinion the public good shall require it: *Provided*, that before making such order, they shall notify the township commissioners, of the time when they will examine said contemplated road, and hear the proofs and allegations in favor of and against the proposed order, according to the provisions of the statute in cases of appeal from the decision of the highway commissioners, in the laying out of roads."

The second and third amendments, to wit: striking out the thirteenth and eighteenth sections, were then non-concurred in.

The bill and resolution transmitted by the above message, were then severally twice read and referred to the committee on the judiciary.

And the "bill to incorporate the Ypsilanti band," was also read twice and referred to the committee on the militia.

Mr. Gillett presented the proceedings of a meeting of the citizens of Detroit, in relation to certain amendments proposed to their city charter; which having been read; was,

On motion of Mr. G. Spencer, referred to the committee on the judiciary; and

On motion of Mr. G. Spencer,

The Senate "bill to amend the charter of the city of Detroit," was then taken up from the table, and referred to the same committee.

Mr. Smith, from the committee on the militia, by general consent, reported back the Senate "bill to incorporate the Ypsilanti band," without amendment, and recommended its passage; which was referred to the committee of the whole and placed on the general order.

Mr. G. Spencer moved that the House take up from the table the joint resolution offered by him, and laid on the table on the 7th of January, in relation to a protective tariff; which motion was negatived, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Rogers,
Mr. Brown,	Mr. Mather,	Mr. G. Spencer,
Mr. Castle,	Mr. H. L. Miller,	Mr. Strong,
Mr. Cook,	Mr. Morton,	Mr. Wilcox,
Mr. Copeland,	Mr. Pierce,	Mr. Willits,
Mr. Gillett,	Mr. Porter,	

17

NAYS.

Mr. Bingham,	Mr. Hammond,	Mr. Richardson,
Mr. Bush,	Mr. Hawley,	Mr. Root,
Mr. Clark,	Mr. Lamb,	Mr. Russell,
Mr. Coates,	Mr. Leech,	Mr. Smith,
Mr. Curtis,	Mr. J. Miller,	Mr. M. Spencer,
Mr. Daniels,	Mr. Olin,	Mr. Stockton,
Mr. Drew,	Mr. Philbrick,	Mr. Walker,
Mr. Geddes,	Mr. Redfield,	Mr. Speaker,

24

Mr. Bush moved that the House take up from the table, the joint resolution offered by him, and laid on the table on the 6th instant, proposing such amendments to the constitution of this state, as to prohibit the creation of a state debt, without the consent of a majority of the electors thereof; which motion was negatived.

On motion of Mr. Walker,

The House took up from the table the joint resolution from the Senate, "authorizing the auditor general to issue warrants

to the state geologist, for certain expenses incurred at the state salt springs;" and the said resolution was then considered and adopted.

The Senate "bill supplementary to 'An act relative to the sale of real and personal estate on execution,'" was then read a third time and passed.

On motion of Mr. Walker,

The House took up from the table the "bill to authorize the auditor general, state treasurer and attorney general, to settle with the late commissioners of internal improvement."

On motion of Mr. Pierce,

The said bill was then amended, by inserting the following additional section, to stand as

"Sec. 3. That upon a settlement being made in conformity to the second section of this act, the auditor general is hereby authorized to draw his warrant on the treasurer for the payment of such balance, if any, as he shall, on such settlement, find equitably due them, or either of them; or to receive payment from them, or either of them, of such balance, if any, as he shall, on such settlement, find equitably due from them, or either of them, to the state: *Provided*, That no warrant shall be drawn on the treasurer, in effecting any settlement contemplated in this and the foregoing section of this act, if the whole amount due from the said Porter and Gibson, aforesaid, shall exceed the whole amount due them, from the state."

On motion of Mr. Pierce,

The said bill was further amended, by striking out in the fourth section, all after the word "judgment," in the fifth line.

The said bill was then ordered engrossed for a third reading.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the "bill to abolish the office of building commissioner of the state prison," and the same was taken up for consideration; when,

On motion of Mr. H. L. Miller, its further consideration was indefinitely postponed.

On motion of Mr. Walker,

The committee of the whole was discharged from bill No. 102, "to authorize Jacob H. Divers, a minor, to sell certain lands therein described;" and the same was taken up for action in the House.

Mr. Walker then moved to postpone the further consideration of the bill, indefinitely; which motion was lost.

Mr. G. Spencer then moved the following resolution:

Resolved, That the bill to authorize Jacob H. Divers, a minor, to sell certain lands; and, also, the several bills and petitions relative to the same subject, as embraced in the report of the judiciary committee, be recommitted to the judiciary committee, with instructions to report a bill forthwith, embracing each of the cases mentioned.

Which resolution was not adopted.

On motion of Mr. Porter,

The further consideration of said bill was then postponed to an indefinite period.

On motion of Mr. Porter,

The committee of the whole was discharged from the further consideration of the following bills:

"A bill to authorize the minor children and heirs of the late Thomas Smith, deceased, to convey certain lands;"

"A bill to authorize the minor children of the late William Taylor, deceased, to convey certain lands;" and,

"A bill to authorize William H. Griswold, a minor, to convey certain real estate, in the state of Michigan;" and the same were taken up; when,

On motion of Mr. Bingham,

The further consideration of the said bills was indefinitely postponed.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the bill No. 107, "to prevent suits upon judgments, in certain cases;" and the same was taken up and ordered to a third reading.

On motion of Mr. Hammond,

The twenty-second rule was suspended, in order that the bill might then come up for a third reading; and the bill was accordingly read a third time and passed.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of bill number one hundred and nine, "further to amend an act, entitled "An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes," approved April 15, 1839;" and the same was taken up in the House.

On motion of Mr. Walker,

The consideration of said bill was then postponed until Monday next.

On motion of Mr. Copeland,

The committee of the whole was discharged from the further consideration of bill number one hundred and thirteen, "relative to a certain amendment to the revised statutes, entitled 'of primary schools;'" and the same was taken up for consideration in the House; and,

On motion of Mr. Coates,

Its further consideration was then indefinitely postponed.

Mr. Larue, from the committee on claims, to which was recommitted the "bill to provide for the payment of certain claims therein named, with the Senate amendments thereto, by general consent, reported the same back to the House, and recommended the adoption of said amendments; and the bill was then referred to the committee of the whole, and placed on the general order.

Mr. Mather, from the committee on enrolment, reported as correctly enrolled, "An act to provide for the improvement of the navigation of the Kalamazo and St. Joseph rivers."

On motion of Mr. Hammond, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Mr. Harding was absent without leave.

The Chair then announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Friday, April 9, 1841. }

To the Speaker of the House of Representatives:

SIR—I have the honor to return to the House, “a joint resolution directing certain surveys,” and inform you that the same was this day lost in the Senate.

Also, to return to the House, “a joint resolution in relation to the claims of Herrington and Bathy,” which the Senate has this day passed.

Also, I have the honor to transmit “a joint resolution in relation to a certain mortgage;” which the Senate has passed this day, and respectfully ask the House to concur in the same.

Also, to return “a bill defining the powers of the court of chancery, in partitions;” which the Senate has this day passed, with amendments, in which the concurrence of the House is requested.

Also, to transmit “a joint resolution relative to the gallantry, &c., of major Dequindre;” which the Senate has passed, and ask the concurrence of the House to the same.

The Senate has also passed “a joint resolution relative to the Ypsilanti and Tecumseh railroad;” and “a joint resolution authorizing the Secretary of state to furnish certain documents to the New York historical society,” in each of which the concurrence of the House is respectfully asked.

Also, to inform you, that according to the request of the House, the Senate have appointed a committee of conference on their part, on the “bill to provide for the payment of members and officers of the present legislature,” consisting of Senators Adam, Witherell and Bridge; and they have also appointed a committee of conference on their part, as per like request of the House, on the “bill relative to the duties of township treasurers,” consisting of Senators Walker, Deming and Fuller, all of which is done by direction of the Senate.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Hammond,

The sixteenth rule, requiring joint resolutions to lie on the table one day, was suspended, that the joint resolution transmitted by the above message, "authorizing the secretary of state to furnish certain documents to the New York historical society," might then be considered; and the said resolution was then considered and adopted.

On motion of Mr. G. Spencer,

The sixteenth rule was suspended, that the "joint resolution in relation to a certain mortgage," might then be considered; and the said resolution was adopted.

On motion of Mr. Humphrey,

The sixteenth rule was suspended, that the "joint resolution relative to the gallantry, &c., of Major Dequindre," might then be considered; and the said resolution was then adopted.

And the joint resolution, transmitted by the same message, "relative to the Ypsilanti and Tecumseh railroad," was read, and laid on the table for one day according to rule.

And the House then concurred in the amendments of the Senate, made to the House "bill defining the powers of the court of chancery, in partitions."

Mr. G. Spencer, from the committee on the judiciary, to which was referred the proceedings of a meeting of the citizens of Detroit, and to which was recommitted the Senate "bill to amend the charter of the city of Detroit, reported "a bill to amend the charter of the city of Detroit;" which bill was twice read and referred to the committee of the whole, and placed on the general order; when,

On motion of Mr. Hammond,

The House resolved itself into committee of the whole on said bill; Mr. G. Spencer in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, without amendment.

Mr. Smith moved to lay said bill on the table; which motion did not prevail.

Mr. Smith then moved to amend said bill by adding the following to the seventh section: "*Provided*, that no tax shall

hereafter be levied for drains heretofore constructed into such sewers;" which amendment was not adopted.

Mr. Coates then offered the following, to stand as an additional section of said bill, to wit:

Sec. —. This bill shall be referred to the citizens of Detroit at their next general election, and if a majority of the citizens approve the same, it shall, from and after that time, take effect and become a law.

Which amendment was not adopted.

Mr. Metcalf then moved to indefinitely postpone the further consideration of said bill; which motion did not prevail.

The said bill was then ordered to a third reading.

On motion of Mr. Bingham,

The twenty-second rule was suspended that said bill might then be read a third time; and the said bill was then read a third time, and passed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Geddes,	Mr. Richardson,
Mr. Bingham,	Mr. Gillett,	Mr. Root,
Mr. Brown,	Mr. Hammond,	Mr. Russell,
Mr. Castle,	Mr. Hawley,	Mr. G. Spencer,
Mr. Clark,	Mr. Larue,	Mr. Sprague,
Mr. Coates,	Mr. Mather,	Mr. Strong,
Mr. Cook,	Mr. J. Miller,	Mr. Walker,
Mr. Copeland,	Mr. Morton,	Mr. Wilcox,
Mr. Daniels,	Mr. Philbrick,	Mr. Willits,
Mr. Dolsen,	Mr. Pierce,	Mr. Wood,
Mr. Drew,	Mr. Porter,	Mr. Speaker,

33

NAYS.

Mr. Curtis,	Mr. Olin,	Mr. M. Spencer,
Mr. Humphrey,	Mr. Redfield,	Mr. Stockton,
Mr. Lamb,	Mr. Rogers,	Mr. Tinney,
Mr. Leech,	Mr. Smith,	Mr. Tyler,
Mr. Metcalf,		

13

On motion of Mr. Metcalf,

The committee of the whole was discharged from the further consideration of bill number 116, "for the relief of Chippewa county;" and the same was taken up for action in the House.

On motion of Mr. Geddes,

The further consideration of said bill was then indefinitely postponed.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Friday, April 9, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate, to return to the House, a “joint resolution relative to the works of internal improvement,” which the Senate have this day passed, with amendments.

Also, to transmit “a bill to alter the judicial circuits of this state, and to regulate the terms thereof.”

Also, a “joint resolution proposing certain amendments to the constitution of this state.”

Also, “a bill to provide for the incorporation of musical associations.”

And also, a “joint resolution relative to the printing and distributing the justices act;” which the Senate have severally passed, and in all of which the concurrence of the House is respectfully requested.

Also, I am instructed to return to the House of Representatives the Senate “bill to apportion anew the representatives and senators among the several counties and districts of this state,” and to inform you that the Senate have non-concurred in the amendment to the bill, by the House, in section two, line three, and have concurred in all the other House amendments.

D. W. KELLOGG,
Secretary of the Senate.

The “joint resolution relative to works of internal improvement, transmitted by the above message, was then read and laid on the table; and,

On motion of Mr. Lamb,

The Senate amendment thereto, was ordered to be printed, on the journal, it being as follows, to wit: strike out all after the enacting clause, and insert the following, viz:

“The board of internal improvement be, and they are hereby directed, to examine and allow all just claims now existing for work done, or materials furnished to the state under contracts heretofore made on her several works of internal improvement, in the same manner and under the same regulations, as they would have done if the appropriations had not been exhausted, and the auditor general is hereby authorized and directed to draw his warrant for the sums found due, in the same manner as by law now directed, upon the treasurer of this state; and the said treasurer is hereby directed to pay the same out of the sums which have been or may hereafter be appropriated for the further construction and completion of the said works of internal improvement, respectively.”

The “bill to alter the judicial circuits of this state,” &c., transmitted by the above, was twice read and referred to the committee on the judiciary.

The “joint resolution proposing an amendment to the constitution of this state,” was then read and laid on the table for one day, according to rule.

The “bill to provide for the incorporation of musical associations;” was twice read; and,

On motion of Mr. Barlow, was referred to the committee on roads and bridges.

The “joint resolution relative to the printing and distributing of the justices act,” was read; and,

On motion of Mr. Walker,

The 16th rule, requiring joint resolutions to lay on the table one day before acted on, was suspended, and the resolution was then considered and adopted.

The (so called) apportionment bill being then under consideration,

Mr. H. L. Miller moved that the House recede from its amendment, striking out the words “and Huron,” in the third line of section two, in which amendment the Senate had refused to concur; when

Mr. Bingham moved that the bill be laid on the table, which motion prevailed.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

1st. "An act to prescribe the powers and duties of justices of the peace in civil proceedings.

2d. "An act to alter the terms of the court of chancery in the fourth and fifth circuits.

3d. "An act to provide for the further construction and preservation of the Clinton and Kalamazoo canal.

4th. "An act relative to the postponing of sales by sheriffs and other officers, and for other purposes.

5th. "An act granting certain powers to the Catholic Apostolic and Roman church of St. Anne, Detroit.

6th. "An act to provide for the protection of Indians, and for other purposes.

7th. "An act to authorize the county commissioners of the county of Genesee to vacate a certain burying ground.

8th. "An act relative to the Palmyra and Jacksonburg railroad company.

9th. "An act to authorize Nathaniel E. Mathews, Gideon Mathews and Horace H. Comstock to erect a dam across the Kalamazoo river."

And also, "a joint resolution relative to the Southern railroad."

Also, "a joint resolution relative to the River Raisin and Lake Erie railroad company."

J. WRIGHT GORDON.

Executive Office, April 9, 1841.

On motion of Mr. H. L. Miller,

The House again took up the apportionment bill, and on his motion the House receded from its amendment striking out the words "and Huron," and the bill was accordingly passed.

The House then resolved itself into committee of the whole on bill number 120, "to provide for a settlement with the Detroit and Pontiac railroad company."

After some time spent thereon, the committee rose and reported progress, and asked and obtained leave to sit again.

When, on motion of Mr. Smith, the House then adjourned until eight o'clock, to-morrow morning.

Saturday, April 10, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Mr. Harding was absent without leave.

REPORTS.

Mr. Porter, from the committee on the judiciary, to which was referred the Senate "bill to amend chapter five, title three, part three of the revised statutes, entitled "of forcible entry and detainer,"" reported the same back with sundry amendments, recommending its passage; and the bill was referred to the committee of the whole, and placed on the general order.

Mr. Copeland, from the committee on towns and counties, to which had been referred a memorial and remonstrance relative to a change in the boundaries of the town of Charleston, Kalamazoo county, reported the same back, and asked to be discharged from their further consideration; and the committee was discharged accordingly.

Mr. Brown, from the committee on the judiciary, to which had been referred the Senate "joint resolution relative to the bank of Adrian," reported the same back, and recommended its passage; and the same was laid on the table.

Mr. Pierce, from the majority of the committee of conference upon the "bill to provide for the payment of the members and officers of the present legislature," submitted a report thereon.

Mr. Stockton, from a minority of the same committee, likewise submitted a report on that subject; both of which reports were laid on the table.

Mr. Porter, by general consent, introduced a "bill to amend

chapter eight, title five, part one of the revised statutes, 'relative to specific taxes;' " which bill was twice read, referred to the committee of the whole, and placed on the general order.

Mr. Mather offered the following preamble and resolution:

Whereas, the railroad bridge over the River Rouge, appears to be composed of small sized timber, and is of slender construction for a bridge of that size, and is thought by individuals to be insufficient and dangerous to the public safety; therefore,

Resolved, That the board of internal improvement, or the acting commissioner, be requested to examine the said bridge, and if it is thought the public safety is endangered, they are requested either to make said bridge perfectly safe by repairing the same, or to build another bridge, as will be most beneficial to the state or for the safety to the public.

Which resolution was, on motion of Mr. Porter, referred to the committee on internal improvement.

Mr. Metcalf offered the following joint resolution:

Resolved, That (if the Senate concur,) this legislature will adjourn on Tuesday, the 13th day of April instant, at 12 o'clock, at noon.

And on his motion, the rule requiring joint resolutions to lay on the table one before acted upon, was suspended, and the resolution was then adopted.

Mr. Metcalf then moved that the clerk be directed to transmit the above resolution to the Senate, immediately; and the same was so ordered by the House.

Mr. Hawley moved that the House take up for consideration, the "joint resolution relative to leasing the Central railroad," offered by him and laid on the table on the 8th instant; which motion was negatived, as follows:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Rogers,
Mr. Clark,	Mr. H. L. Miller,	Mr. Russell,
Mr. Dolsen,	Mr. Olin,	Mr. M. Spencer,
Mr. Hammond,	Mr. Philbrick,	Mr. Tinney,
Mr. Hawley,	Mr. Richardson,	Mr. Speaker,

NAYS.

Mr. Barlow,
Mr. Brown,
Mr. Bush,
Mr. Castle,
Mr. Coates,
Mr. Copeland,
Mr. Daniels,
Mr. Geddes,
Mr. Gillett,
Mr. Humphrey,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Pierce,
Mr. Porter,
Mr. Redfield,

Mr. Root,
Mr. G. Spencer,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,

28

On motion of Mr. Copeland,

The House took up for consideration, the Senate "joint resolution relative to the Ypsilanti and Tecumseh railroad."

On motion of Mr. Renwick,

The resolution was amended by inserting after the word "company," where it occurs the second time, the following: "according to the provisions of said act."

Mr. Copeland moved to further amend the resolution, by inserting after the words "approved of," the following: "by the governor and board of internal improvement, or;" which motion did not prevail.

Mr. J. Miller offered the following substitute for said resolution.

Resolved, (the Senate concurring,) That the attorney general be directed to pursue all legal means, by immediate action, to collect all moneys due to this state from the Ypsilanti and Tecumseh railroad company, whether said moneys are secured by the company solely, or with securities, or in any other manner.

Which substitute was not adopted.

Mr. Cook then offered the following proviso to said resolution: "*Provided*, That the expenses attending said settlement shall not be chargeable to the state."

Which amendment was adopted; and the resolution, as amended, was then passed, by the following vote:

YEAS.

Mr. Brown,
Mr. Bush,
Mr. Copeland,

Mr. Olin,
Mr. Philbrick,
Mr. Pierce,

Mr. Stockton,
Mr. Strong,
Mr. Tinney,

Mr. Curtis,	Mr. Renwick,	Mr. Tyler,
Mr. Daniels,	Mr. Richardson,	Mr. Walker,
Mr. Geddes,	Mr. Rogers,	Mr. Wilcox,
Mr. Gillett,	Mr. Root,	Mr. Willits,
Mr. Hawley,	Mr. Smith,	Mr. Wood,
Mr. J. Miller,	Mr. G. Spencer,	Mr. Speaker,
Mr. Morton,		

28

NAYS.

Mr. Bingham,	Mr. Cook,	Mr. Mather,
Mr. Castle,	Mr. Dolsen,	Mr. H. L. Miller,
Mr. Clark,	Mr. Hammond,	Mr. Porter,
Mr. Coates,	Mr. Lamb,	Mr. Russell,

12

Mr. Gillett, from the committee on enrolment, reported as correctly enrolled, the following bills, to wit: "An act to attach Presque Isle and certain islands, to the township of Holmes, in the county of Mackinac, for township purposes;" also "An act to reduce the price of public printing, and for other purposes."

Mr. Bush moved that the House take up his "joint resolution, relative to so amending the constitution, as to prohibit the contraction of state debts, without the consent of the people;" which motion prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Russell,
Mr. Bingham,	Mr. Lamb,	Mr. Smith,
Mr. Brown,	Mr. Leech,	Mr. M. Spencer,
Mr. Bush,	Mr. Metcalf,	Mr. Sprague,
Mr. Castle,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Clark,	Mr. Olin,	Mr. Strong,
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,
Mr. Copeland,	Mr. Redfield,	Mr. Walker,
Mr. Curtis,	Mr. Renwick,	Mr. Willits,
Mr. Daniels,	Mr. Rogers,	Mr. Wood,
Mr. Geddes,	Mr. Root,	Mr. Speaker,
Mr. Hammond,		

34

NAYS.

Mr. Cook,	Mr. Larue,	Mr. Pierce,
Mr. Dolsen,	Mr. J. Miller,	Mr. Porter,
Mr. Gillett,	Mr. Morton,	Mr. G. Spencer,

9

Mr. Metcalf moved to indefinitely postpone the further consideration of the resolution; when some debate ensuing, he

moved that the same be laid on the table; which motion was lost, as follows:

YEAS.

Mr. Brown,	Mr. Mather,	Mr. G. Spencer,	
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,	
Mr. Copeland,	Mr. J. Miller,	Mr. Strong,	
Mr. Geddes,	Mr. Morton,	Mr. Tyler,	
Mr. Gillett,	Mr. Pierce,	Mr. Wilcox,	
Mr. Hawley,	Mr. Porter,	Mr. Willits,	
Mr. Larue,	Mr. Renwick,	Mr. Speaker,	21

NAYS.

Mr. Barlow,	Mr. Hammond,	Mr. Rogers,	
Mr. Bingham,	Mr. Humphrey,	Mr. Root,	
Mr. Bush,	Mr. Lamb,	Mr. Russell,	
Mr. Castle,	Mr. Leech,	Mr. Smith,	
Mr. Clark,	Mr. H. L. Miller,	Mr. M. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Stockton,	
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,	
Mr. Daniels,	Mr. Redfield,	Mr. Wood,	
Mr. Drew,	Mr. Richardson,		26

The question recurring upon the motion to postpone indefinitely, the same was withdrawn by the mover.

The question then being on the adoption of the resolution, Mr. Renwick offered the following amendment, to be added at the end of the same, to wit: "or for the purpose of raising funds for the payment of debts already due from the state;" which was adopted; and the resolution, as amended, read as follows:

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution be proposed to the next legislature, to be by them submitted to the people; and that the secretary of state be required to give three months' notice of the same, prior to the next annual election:

"That the legislature of this state shall never have power, in any way or manner, or for any purpose whatsoever, to create a state debt, without the consent of a majority of the qualified electors of said state, unless in case of public danger from a foreign foe, or for the purpose of raising funds for the payment of debts already due from the state."

And the said resolution was then adopted, by the following vote:

YEAS.

Mr. Barlow,	Mr. Humphrey,	Mr. Rogers,
Mr. Bingham,	Mr. Lamb,	Mr. Root,
Mr. Bush,	Mr. Larue,	Mr. Russell,
Mr. Castle,	Mr. Leech,	Mr. Smith,
Mr. Clark,	Mr. Mather,	Mr. M. Spencer,
Mr. Coates,	Mr. Metcalf,	Mr. Sprague,
Mr. Cook,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Curtis,	Mr. Morton,	Mr. Tyler,
Mr. Daniels,	Mr. Olin,	Mr. Walker,
Mr. Dolsen,	Mr. Philbrick,	Mr. Wilcox,
Mr. Drew,	Mr. Pierce,	Mr. Willits,
Mr. Geddes,	Mr. Redfield,	Mr. Wood,
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,
Mr. Hammond,		

40

NAYS.

Mr. Brown,	Mr. Hawley,	Mr. Porter,
Mr. Copeland,	Mr. J. Miller,	

5

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday April 10, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate, to transmit to the House, “a joint resolution relative to the return of books to the state library,” which the Senate have this day passed, and respectfully ask the concurrence of the House in the same; and I have the honor to inform you, in accordance with the request of the Senate, that the Senate have non-concurred in the House amendments to the “bill supplementary to an act, entitled ‘An act relative to the sale of real and personal estate on execution,’ approved March 27, 1841,” and that the Senate insist on their amendments (to the “bill to provide for the laying out of certain state roads and for other purposes”) striking out the 13th and 18th sections in said bill, and non-concurred in the House amendments adding a new section.

And that the committee of conference on the part of the Senate, on the “bill relative to the duties of township treasu-

ers," recommend the amendment of the words upon the margin, commencing in the sixth line of section first, so that it shall read, "to final judgment, execution and collection, if collectable;" which report the Senate have adopted.

I am further directed to transmit a bill, this day passed in the Senate, entitled "in relation to mortgages," and respectfully ask the concurrence of the House in the same; and to return the "bill to prescribe certain duties of commissioners of highways, and other township officers, and for other purposes," which the Senate have passed with amendments, and ask the concurrence of the House therein.

D. W. KELLOGG,

Secretary of the Senate.

And the "joint resolution relative to the return of books to the state library," was then considered and adopted.

The House then insisted upon its amendments to the Senate "bill supplementary to an act entitled 'An act relative to the sale of real and personal estate on execution,' approved March 27, 1841."

On motion of Mr. Hammond,

A committee of conference was appointed on said bill, consisting of Messrs. Hammond, G. Spencer and Brown.

The House then receded from its non-concurrence to the Senate amendments striking out the thirteenth and eighteenth sections of the "bill to provide for the laying out of certain state roads, and for other purposes," and insisted upon its amendment to the Senate amendment, to wit: adding an additional section to the sections inserted by the Senate, in lieu of the tenth section, stricken out by the Senate.

On motion of Mr. Clark,

A committee of conference was appointed on said bill, consisting of Messrs. Clark, Castle and Olin.

The "bill in relation to mortgages," was read twice and referred to the committee on the judiciary.

The House then concurred in the amendment of the Senate to the "bill to prescribe certain duties of commissioners of

highways, and other township officers, and for other purposes."

Mr. Pierce, from the committee of conference on the "bill relative to the duties of township treasurers," submitted a report thereon; which report was concurred in by the House.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, April 10, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return to the House "a bill to renew an act entitled 'An act to exempt grain while growing, and other unharvested crops from execution,' approved April 1, 1840," which the Senate has passed with amendments, in which the concurrence of the House is respectfully asked.

Also, I am directed to transmit "a bill to repeal an act entitled 'An act to authorize the board of commissioners of internal improvement, to loan to the Palmyra and Jacksonburg railroad company, a certain amount of railroad iron,'" which the Senate has passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,

Secretary of the Senate.

The bill first named in the foregoing message was, with the Senate amendments thereto, referred to the committee on the judiciary.

The last named bill was twice read and referred to the committee on the judiciary.

Mr. Hammond laid on the table the following joint resolution:

Whereas, this legislature has received application from different printers for the printing of the state, at thirty-five cents per 1000 ems, and thirty-five cents per token for press work, which is a large deduction from prices now paid the state printer; *and whereas*, it is understood that a similar offer has been recently made by S. L. Rood, to some members of the legis-

lature, with a request that the same be laid before the legislature for their consideration, which has not yet been done; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state be authorized to advertise for ten days for proposals for doing the public printing during the recess of the legislature, and to contract for the same with the lowest bidder, who shall give good security to the state for the performance thereof: *Provided*, that he shall not be at liberty to contract at a price exceeding thirty-five cents per 1000 ems, and thirty-five cents per token for press work; *and provided also*, that the state printer shall have the preference, if he shall offer to do the printing as low as any other office.

The House, on motion of Mr. Smith, adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, Mr. Harding was absent without leave.

The House not having gone through with the morning business, the "bill to authorize the auditor general, state treasurer and attorney general to settle with the late commissioners of internal improvement, and for other purposes;" was then read a third time and passed.

On motion of Mr. Pierce,

The House took up for consideration the report of the committee of conference on the "bill to provide for the payment of the members and officers of the present legislature;" and the House then receded from its amendment allowing the members from Mackinac and Chippewa an extra allowance, by the following vote:

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,

Mr. Lamb,
Mr. Larue,
Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,

Mr. Rogers,
Mr. Root,
Mr. G. Spencer,
Mr. Sprague,
Mr. Strong,

Mr. Daniels,	Mr. Morton,	Mr. Tyler,	
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,	
Mr. Geddes,	Mr. Porter,	Mr. Willits,	
Mr. Gillett,	Mr. Renwick,		26

NAYS.

Mr. Bingham,	Mr. Humphrey,	Mr. Smith,	
Mr. Bush,	Mr. H. L. Miller,	Mr. M. Spencer,	
Mr. Clark,	Mr. Olin,	Mr. Stockton,	
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,	
Mr. Curtis,	Mr. Redfield,	Mr. Walker,	
Mr. Drew,	Mr. Richardson,	Mr. Wood,	
Mr. Hammond,	Mr. Russell,	Mr. Speaker,	21

And the House refused to recede from their amendment relative to the pay of the messengers, by the following vote:

YEAS.

Mr. Brown,	Mr. Larue,	Mr. Renwick,	
Mr. Castle,	Mr. Mather,	Mr. Rogers,	
Mr. Cook,	Mr. Metcalf,	Mr. G. Spencer,	
Mr. Copeland,	Mr. J. Miller,	Mr. Sprague,	
Mr. Daniels,	Mr. Morton,	Mr. Strong,	
Mr. Geddes,	Mr. Pierce,	Mr. Wilcox,	
Mr. Gillett,	Mr. Porter,	Mr. Willits,	
Mr. Lamb,			22

NAYS.

Mr. Barlow,	Mr. Humphrey,	Mr. Russell,	
Mr. Bush,	Mr. Leech,	Mr. Smith,	
Mr. Clark,	Mr. H. L. Miller,	Mr. M. Spencer,	
Mr. Coates,	Mr. Olin,	Mr. Stockton,	
Mr. Curtis,	Mr. Philbrick,	Mr. Tinney,	
Mr. Dolsen,	Mr. Redfield,	Mr. Walker,	
Mr. Drew,	Mr. Richardson,	Mr. Wood,	
Mr. Hammond,	Mr. Root,	Mr. Speaker,	24

The Chair announced a communication from the secretary of state, transmitting an abstract of poor returns from the several counties, for 1840; which communication having been read, was,

On motion of Mr. Walker, laid on the table and ordered printed.

(See Joint Document, No. 13.)

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Saturday, April 10, 1841. }

To the Speaker of the House of Representatives:

SIR—I have the honor, agreeably to the directions of the Senate, to transmit to the House “a bill to authorize the commissioners of internal improvement to make contracts for the construction of the works of internal improvement;” which the Senate has passed this day, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

And the bill transmitted by the above message, was twice read and referred to the committee on internal improvement.

The Chair then announced the following special message from the executive:

To the House of Representatives:

The melancholy tidings of the decease of William Henry Harrison, late president of the United States, having reached this department, in a manner which leaves no doubt as to the correctness thereof, I feel it to be a duty incumbent upon me, officially to announce to your honorable body the solemn event.

He died at the president's house in Washington, on the 4th of April, instant, expressing in the last utterance of his lips, “a fervent desire for the constitution, and the preservation of its true principles.”

I would respectfully recommend that such an expression be had on the part of the House, in view of this afflictive dispensation of Divine Providence towards us, as a nation, as shall seem becoming and due to the memory of one to whom our country and the world owe so many obligations.

J. WRIGHT GORDON.

Executive Office, April 10, 1841.

When, on motion of Mr. J. Miller, the House adjourned until Monday morning, at nine o'clock.

Monday, April 12, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Harding and Leech were absent without leave.

CLAIMS.

Mr. Bingham presented the claim of the clerk of the supreme court, of the fourth circuit, for office rent, &c. Referred to the committee on claims.

Mr. Brown, the claim of W. Davis, sergeant-at-arms of the House, for expenses incurred on account of the House. Referred to the committee on claims.

Mr. J. Miller obtained the unanimous consent of the House, to introduce the following resolution:

Resolved, That a select committee of seven be appointed, to consider what further action of this House may be expedient, in relation to the communication of his excellency, the governor, of Saturday last, and to report so soon as may be.

Which resolution was unanimously adopted; whereupon,

The Chair announced as such committee, Messrs. J. Miller, Renwick, Stockton, Barlow, Clark, G. Spencer and Smith.

REPORTS.

Mr. Metcalf, from the committee on internal improvement, to which was referred Senate "bill to repeal an act entitled 'An act to authorize the board of internal improvement to loan to the Palmyra and Jacksonburg company, a certain amount of railroad iron,'" reported the same back and recommended its passage, and the bill was referred to the committee of the whole, and placed on the general order.

The same, from the same committee, to which was referred Senate bill No. 60, "to authorize the commissioners of internal improvement, to make contracts for the construction of the works of internal improvement," reported the same back, recommending its passage; and the same was referred to the committee of the whole, and placed on the general order.

Mr. Larue, from the committee on ways and means, to which was referred House "bill for the relief of the county

of Mackinac," reported the same back with the opinion of the committee, that the bill should not, at this time, pass; and the same was then referred to the committee of the whole, and placed on the general order.

The same, from the committee on claims, to which was referred the following claims, to wit:

Of I. C. Stephens, J. M. Chase, Washtenaw guards, Henry Straight, Asaph Teale, Farmers' and Mechanics' bank, clerk of the supreme court, for the fourth circuit, W. H. Wilder, John Prentis, J. S. Mathew, William Lewis, Aaron Weeks, Samuel H. Kimball, William Ford and Sons, Daniel Merritt, J. Eldred and Son, Alfred G. Bates, J. W. Talbot, W. B. Hunt, Joy & Co., Samuel Cowles, Mathew Fallahu, and J. H. Titus, reported adversely to the allowance of such claims, and asked to be discharged from their further consideration; the committee was accordingly discharged.

The same, from the same committee, to which was referred the claims of the Phenix bank, and of J. Delafield, of New York city, reported as the opinion of the committee, that the session being so near a close, and the claims being of such magnitude, it would be impossible for the committee to sufficiently examine them, and they therefore recommend that the claimants be allowed to withdraw their claims; and the committee, on his motion, was discharged from their further consideration, and leave granted to the claimants to withdraw their said claims.

The same, from the same, to which was referred the claim of E. Corning & Co., for railroad spike, reported the following joint resolution, thereupon:

Resolved by the Senate and House of Representatives of the State of Michigan, That the acting commissioner be, and he is hereby authorized and directed to investigate and examine the account of E. Corning & Co., of the city of New York, for railroad spike furnished for and on account of the different works of internal improvement of this state, and to ascertain the amount due them, or to become due them, on the delivery of the balance of spike, if any, yet in their hands, and proper-

ly chargeable to the state under contracts on orders heretofore made by the authorized agents of the state; and upon ascertaining the amount, if any, so due said Corning & Co., the said acting commissioner shall give his certificate therefor, addressed to the auditor general, who is hereby authorized and required, upon the presentation of said certificate, to draw his draft for the same, in like manner as is done in payment of estimates made for labor done, or materials furnished on the several works of internal improvement of this state.

The said resolution was then laid on the table for one day, according to rule.

Mr. Castle, from the committee on roads and bridges, to which had been referred the Senate "bill to provide for the incorporation of musical associations," reported the same back without amendment; and the bill was referred to the committee of the whole, and placed on the general order.

Mr. Walker, from the committee on the judiciary, to which was referred Senate bill number fifty-three, "to alter the judicial circuits of this state, and to regulate the terms thereof," reported the same back to the House without amendment; and the bill was referred to the committee of the whole, and placed on the general order.

On motion of Mr. Metcalf,

The House took up for consideration, the "joint resolution relative to the works of internal improvement," which had been returned from the Senate with an amendment; and the question being on concurring in the said amendment,

Mr. Metcalf offered the following amendment to the Senate amendment, viz:

"Insert, after the words 'materials furnished,' the words 'or services rendered;'" which amendment was adopted.

Mr. Coates moved to lay the whole subject on the table; which motion did not prevail.

The question recurring upon concurring in the Senate amendment, as amended,

Mr. Strong offered the following further amendment to said amendment:

“Provided, That no contracts shall be made, or if made, shall be obligatory upon this state, except such as are made within the limits of appropriations already made by law, and can be paid by such appropriations;” pending which,

On motion of Mr. Hammond,

The resolution was recommitteed to the committee on ways and means, with instructions to report this afternoon.

Mr. Coates offered the following resolution:

Resolved, That a committee of three be appointed to wait upon the Bank of Michigan, at such time as may suit its convenience, and respectfully inform that venerable, but nearly exhausted institution, that the legislature has long since completed all the business which the people have required the legislature to do, and would be highly gratified to learn of that institution, if it has any further matters upon which it wishes the action of its humble servants, the members of this legislature.

And the further consideration of said resolution was, on motion of Mr. Stockton, indefinitely postponed.

Mr. Coates then offered the following:

Resolved, That the state printer be requested to make out the items of his account for printing for this House during the present session, and print them, that they may be laid upon the tables of members; which resolution was not adopted.

Mr. Hammond moved that the House take up his “joint resolution, relative to the state printing;” which motion was negatived, by the following vote:

YEAS.

Mr. Bingham,	Mr. Humphrey,	Mr. Russell,
Mr. Clark,	Mr. Olin,	Mr. Smith,
Mr. Coates,	Mr. Philbrick,	Mr. M. Spencer,
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,
Mr. Hammond,	Mr. Richardson,	Mr. Walker,

15

NAYS.

Mr. Barlow,	Mr. Lamb,	Mr. Rogers,
Mr. Brown,	Mr. Larue,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. J. Miller,	Mr. Stockton,

Mr. Daniels,	Mr. H. L. Miller,	Mr. Strong,
Mr. Dolsen,	Mr. Morton,	Mr. Tyler,
Mr. Drew,	Mr. Pierce,	Mr. Wilcox,
Mr. Geddes,	Mr. Porter,	Mr. Willits,
Mr. Gillett,	Mr. Renwick,	Mr. Speaker,
Mr. Hawley,		

31

Mr. Richardson laid on the table the following joint resolution:

Resolved, by the Senate and House of Representatives, That this legislature will adjourn on the 13th of April, 1841, at 12 o'clock, at noon.

On motion of Mr. Daniels,

The House took up for consideration, the "joint resolution relative to the bank of Adrian."

On motion of Mr. Renwick,

The resolution was then amended by striking out the last clause of the same; and the resolution, as amended, was then adopted.

On motion of Mr. Porter,

The committee of the whole was discharged from the further consideration of the "bill to amend chapter eight, title five, part one of the revised statutes, 'relative to specific taxes;'" and the same was taken up and ordered to a third reading.

On his motion, the 22d rule was suspended, that the bill might then come up for a third reading; and the bill was then read a third time and passed.

Mr. Metcalf, as chairman of the committee on internal improvement, presented the following statement, to wit:

To the honorable the House of Representatives of the State of Michigan :

On Saturday, the 10th of April, instant, at the commencement of the afternoon session of the House, the chairman of the committee upon internal improvement, called said committee to meet forthwith in the library room, in the capitol; and a majority of said committee then assembled to deliberate upon a bill which had been referred to said committee by the House. And soon after the committee had assembled, general Joseph

W. Brown appeared before said committee, and began to abuse said committee, by charging one of the members with giving his opinion on subjects before he had heard the evidence, and said that was what he expected of him, and alledged that some members of the committee felt that the state had interests besides the central interest, and that other members wished to concentrate the interests of the state under their own selfish feelings, and said that he, the said member, had abused him, and been an enemy to him, during the session, and all winter; and appeared very angry, and continued, in a loud and boisterous manner, to say, and did say, that one of the members of said committee was a damned rascal, a damned villain and a damned scoundrel, with many other charges of a similar and corresponding character, and continued, by saying, if said member was not protected by the privileges of the House, he, said Brown, would give said member a damned whipping, with many other threatening words to the same purport. Which conduct and proceedings of said Brown, interrupted the proceedings of your committee, and so disturbed their session, that they were unable to proceed in the business before them.

Which having been read, he then offered the following resolution, which was unanimously adopted:

Resolved by the House of Representatives, That the Speaker of this House be authorized and required to cause the said Joseph W. Brown to be apprehended by the sergeant-at-arms of this House, and brought before the bar of this House, to-morrow morning at nine o'clock, to answer unto the said complaint preferred against him by said committee, or some of them.

The House then again resolved itself into committee of the whole, upon the "bill to provide for a settlement with the Detroit and Pontiac railroad company;" Mr. Brown in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House, with an amendment, to wit: striking out all after the enacting clause, and substituting therefor, all after the enacting clause of House bill No. 122; and

The question being upon concurring in the report of the committee,

Mr. Richardson moved a call of the House; which motion prevailed.

The roll having been called, Messrs. Bush, Barlow, Curtis, Harding, Leech, Mather, Smith and Tinney, were absent without leave.

Mr. Philbrick asked and obtained leave of absence for Mr. Bush, on account of indisposition.

Mr. Morton for Mr. Harding, for the same cause.

Mr. Bingham for Mr. Smith, for one day.

On motion of Mr. Morton,

The further proceedings under the call were dispensed with; and,

The question being on concurring in the report of the committee of the whole, it was carried in the affirmative, by the following vote:

YEAS.

Mr. Brown,	Mr. Lamb,	Mr. Root,
Mr. Cook,	Mr. Larue,	Mr. M. Spencer,
Mr. Copeland,	Mr. Metcalf,	Mr. G. Spencer,
Mr. Daniels,	Mr. J. Miller,	Mr. Sprague,
Mr. Dolsen,	Mr. Morton,	Mr. Strong,
Mr. Geddes,	Mr. Pierce,	Mr. Tyler,
Mr. Gillett,	Mr. Porter,	Mr. Wilcox,
Mr. Hammond,	Mr. Renwick,	Mr. Willits,
Mr. Hawley,	Mr. Rogers,	

26

NAYS.

Mr. Bingham,	Mr. Leech,	Mr. Russell,
Mr. Castle,	Mr. H. L. Miller,	Mr. Smith,
Mr. Clark,	Mr. Olin,	Mr. Stockton,
Mr. Coates,	Mr. Philbrick,	Mr. Walker,
Mr. Humphrey,	Mr. Richardson,	Mr. Wood,

15

Mr. H. L. Miller moved to strike out all after the enacting clause; which motion was negatived.

He then moved that sections one, two and three be stricken out; which motion was likewise negatived.

Mr. Bingham moved to strike out all after the enacting clause, and insert the following in lieu thereof, to wit:

"Sec. 1. That the corporate rights, privileges and franchises, of the Detroit and Pontiac railroad company be, and the same are hereby restored to said company, and the stockhold-

Afternoon Session.

The House met pursuant to adjournment.

The roll being called, the same members were present as in the morning.

Mr. J. Miller, from the select committee appointed this morning, to adopt some proper measures in relation to the decease of the late President of the United States, as announced by the governor's message of Saturday last, reported the following preamble and resolutions, which were unanimously adopted:

Whereas, at its last meeting, information was communicated to this House, of the decease of William Henry Harrison, late President of the United States; whereupon, in testimony of its deep sense of this public calamity, the House did forthwith adjourn:

And whereas, the House deems it due to the solemn occasion, to place upon its records a further testimonial of its respect for the deceased, as a patriot and distinguished citizen of the republic, and of its sensibility of the misfortune which our common country has sustained in the loss of his services, almost at the moment of his elevation to the highest trust known to the constitution; therefore,

Resolved, That this House has received with profound regret, the intelligence of the decease of William Henry Harrison, a citizen whose long and faithful services, civil and military, have eminently advanced the honor and interests of his country.

Resolved, That this House, in common with the nation, deeply deplores that mysterious dispensation of Providence, which has bereft the Union of its chief magistrate, and suddenly terminated, in its outset, a career of high official duty, to which the American people looked forward with sanguine confidence, as the means of advancing the character and welfare of our beloved country.

Resolved, That while the bereavement we are called to mourn, is calculated to impress us with a solemn conviction of the uncertainty of life, and of the instability of human affairs;

and while we reverently bow to the decree of inscrutable wisdom, we do and may cherish with fond remembrance, that the last thoughts of the dying patriot, were directed to the happiness of that country, to which his life had been devoted.

Resolved, That in testimony of our respect for the character, the public services, and the official station of the deceased, late President of the United States, the members of this House will wear the usual badge of mourning, for thirty days, and we do respectfully recommend to our fellow citizens throughout the state, the adoption of a similar mode of testifying their sense of this national bereavement.

Resolved, That the governor of this state be, and he is hereby requested to transmit a copy of this preamble and these resolutions to the family of the deceased.

Mr. G. Spencer, from the judiciary committee, to which was referred "a bill to renew an act entitled 'An act to exempt grain while growing, and unharvested crops, from execution,' approved April 1, 1840," as amended by the Senate, reported the same back, adversely to the adoption of the Senate amendments to the same; and the bill was referred to the committee of the whole and placed on the general order.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

1. "An act suspending certain provisions of law, and for other purposes."

2. "An act making appropriations for the payment for railroad iron, purchased of Hicks & Co., of the city of New York, in eighteen hundred and thirty-eight."

3. An act to apportion anew the representatives and senators, among the several counties and districts of this state."

4. "An act to attach Presque Isle and certain islands, to the township of Holmes, in the county of Mackinac, for township purposes."

5. "An act to provide for the improvement of the navigation of the Kalamazoo and St. Joseph rivers."

6. "An act to reduce the price of public printing, and for other purposes."

And, also, "A joint resolution authorizing the auditor general to issue warrants to the state geologist, for certain expenses incurred at the state salt springs."

Also, "A joint resolution authorizing the secretary of state to furnish certain documents to the New York historical society."

Also, "A joint resolution relative to the gallantry of Major Dequindre."

Also, "A joint resolution relative to the printing and distribution of the justices act."

Also, "A joint resolution relative to a certain mortgage."

J. WRIGHT GORDON.

Executive Office, April 12, 1841.

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, April 12, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate, to return to the House the "bill to provide for the anticipation of certain instalments of the five million loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement," which the Senate has passed with sundry amendments, and respectfully ask the concurrence of the House in the same; and to inform the House that the Senate has concurred in the amendments to the "joint resolution relative to the bank of Adrian," made by the House.

D. W. KELLOGG,

Secretary of the Senate.

The question being upon concurring in the first Senate amendment to the bill named in the foregoing message, to wit: adding an additional, to stand as section fourteen.

Mr. Hammond moved that the name of "Jonathan Kears-

ley be inserted after "state treasurer," wherever the same occurs in said amendment; which motion was negatived, as follows:

YEAS.

Mr. Bingham,	Mr. Olin,	Mr. M. Spencer,
Mr. Clark,	Mr. Philbrick,	Mr. Stockton,
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,
Mr. Hammond,	Mr. Richardson,	Mr. Walker,
Mr. Humphrey,	Mr. Russell,	Mr. Speaker,
Mr. Leech,	Mr. Smith,	

17

NAYS.

Mr. Barlow,	Mr. Hawley,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,
Mr. Cook,	Mr. Metcalf,	Mr. Sprague,
Mr. Copeland,	Mr. H. L. Miller,	Mr. Strong,
Mr. Daniels,	Mr. Morton,	Mr. Tyler,
Mr. Dolsen,	Mr. Pierce,	Mr. Wilcox,
Mr. Geddes,	Mr. Porter,	Mr. Willits,
Mr. Gillett,	Mr. Rogers,	

23

Mr. Metcalf then moved to amend said amendment by striking out the words "and July," wherever it occurs after the word "April;" which motion did not prevail.

The question then being on concurring in said amendment, the same prevailed, by the following vote:

YEAS.

Mr. Barlow,	Mr. Mather,	Mr. Smith,
Mr. Castle,	Mr. J. Miller,	Mr. Sprague,
Mr. Cook,	Mr. H. L. Miller,	Mr. Stockton,
Mr. Copeland,	Mr. Morton,	Mr. Strong,
Mr. Daniels,	Mr. Pierce,	Mr. Tyler,
Mr. Dolsen,	Mr. Porter,	Mr. Wilcox,
Mr. Geddes,	Mr. Rogers,	Mr. Willits,
Mr. Gillett,	Mr. Root,	Mr. Speaker,
Mr. Humphrey,		

25

NAYS.

Mr. Bingham,	Mr. Olin,	Mr. M. Spencer,
Mr. Clark,	Mr. Philbrick,	Mr. G. Spencer,
Mr. Curtis,	Mr. Redfield,	Mr. Tinney,
Mr. Hammond,	Mr. Richardson,	Mr. Walker,
Mr. Leech,	Mr. Russell,	

14

The other amendments made by the Senate to said bill were then all concurred in, and the bill accordingly passed.

The other amendments reported by said committee, were then all concurred in and adopted.

On motion of Mr. Larue,

The words "joint resolution," were stricken out, and "a bill," inserted.

The word "resolved," was also stricken out, and "be it enacted," substituted therefor.

The said bill was then ordered to a third reading.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Monday, April 12, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate to inform the House, that the Senate has concurred in the report of the committee of conference on the "bill to provide for the laying out of certain state roads, and for other purposes."

And that the Senate has this day passed a "joint resolution relative to the Southern railroad," which is herewith transmitted, and in which the concurrence of the House is respectfully asked.

Also, to return the "bill making further appropriations for continuing the building of the state prison," which the Senate has passed.

And to return a "bill to amend chapter eight, title five, part first, of the revised statutes, relative to specific taxes," which the Senate has passed with amendments, in which the concurrence of the House is respectfully requested.

And further, to inform you, respectfully, that the Senate has concurred in the report of the committee of conference on the "bill supplementary to an act entitled 'An act relative to the sale of real and personal estate on execution,' approved March 27, 1841."

Also, I return, herewith, the "joint resolution relative to an adjournment of the legislature," which the Senate has passed with an amendment.

D. W. KELLOGG,
Secretary of the Senate.

The joint resolution transmitted by the above message, was then considered and adopted; and the amendment of the Senate to the "joint resolution relative to an adjournment," was concurred in by the House.

And the House then concurred in the amendments of the Senate to the "bill to amend chapter eight, title five, part one of the revised statutes relative to specific taxes," and passed the same accordingly.

Mr. Hammond, from the committee of conference on the "bill supplementary to the appraisal bill," submitted a report thereon; and the question being on concurring in the first recommendation of said committee, viz: that the House recede from its amendment striking out the first and second sections of said bill; the House refused to recede, by the following vote:

YEAS.

Mr. Brown,	Mr. Gillett,	Mr. Richardson,	
Mr. Cook,	Mr. Hammond,	Mr. Rogers,	
Mr. Copeland,	Mr. Hawley,	Mr. Root,	
Mr. Drew,	Mr. Morton,	Mr. G. Spencer,	
Mr. Geddes,	Mr. Redfield,	Mr. Walker,	15

NAYS.

Mr. Barlow,	Mr. Leech,	Mr. Russell,	
Mr. Bingham,	Mr. Mather,	Mr. Smith,	
Mr. Castle,	Mr. Metcalf,	Mr. Sprague,	
Mr. Clark,	Mr. J. Miller,	Mr. Stockton,	
Mr. Coates,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Daniels,	Mr. Olin,	Mr. Tyler,	
Mr. Dolsen,	Mr. Philbrick,	Mr. Wilcox,	
Mr. Humphrey,	Mr. Pierce,	Mr. Willits,	
Mr. Larue,	Mr. Renwick,	Mr. Speaker,	27

The second amendment reported by the committee, viz: to strike out at the end of section three, the word "only," and substitute therefor the words "which shall hereafter accrue," was adopted.

And the question being upon adopting the section, as amended, the same was negatived, by the following vote:

YEAS.

Mr. Brown,	Mr. Gillett,	Mr. G. Spencer,
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Mr. Cook,
Mr. Drew,

Mr. Metcalf,
Mr. Morton,

Mr. Walker,
Mr. Speaker,

9

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Hammond,
Mr. Humphrey,

Mr. Larue,
Mr. Leech,
Mr. J. Miller,
Mr. H. L. Miller,
Mr. Olin,
Mr. Philbrick,
Mr. Pierce,
Mr. Redfield,
Mr. Renwick,
Mr. Rogers,

Mr. Root,
Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Strong,
Mr. Tyler,
Mr. Wilcox,
Mr. Willits,

31

The House then concurred in and adopted all the other amendments reported by said committee.

On motion of Mr. H. L. Miller,

Another committee of conference, upon the foregoing bill was then appointed, consisting of Messrs. H. L. Miller, Barlow and Bingham.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, April 12, 1841. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate, to inform you that the Senate has concurred in and adopted the report of the committee of conference, on the “bill to preserve the purity of elections, and to amend title two of the revised statutes, and has passed the bill accordingly.

D. W. KELLOGG,

Secretary of the Senate.

Mr. Brown presented the memorial of Allen Smith, in relation to the portrait of Stevens T. Mason, hanging in the hall of the House of Representatives; which was referred to the committee on claims.

On motion of Mr. Strong,

Resolved, That five times the usual number of copies of the House journal of to-day, be printed and distributed to the members.

On motion of Mr. Bingham, the House adjourned till seven o'clock this evening.

Evening Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Coates, Lamb and Tyler were absent without leave.

Mr. J. Miller, by general consent, offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state distribute to each member and officer of this legislature, the session laws, when printed, for the year A. D. 1841; and also one set of the like journals and documents of the two houses, for the same year.

On motion of Mr. Bingham,

The sixteenth rule, requiring joint resolutions to lay on the table one day, was suspended; and the said resolution was then considered and adopted.

The House then resolved itself into committee of the whole, again, on the Senate amendments to the "bill to provide for the payment of certain claims, therein mentioned;" also, on the "bill for the payment of certain claims, therein named;" Mr. Metcalf in the chair.

After some time spent thereon, the committee rose, reported back the Senate amendments to the "bill to provide for the payment of certain claims therein named," with sundry amendments suggested by the committee, which were concurred in collectively by the House.

Mr. Porter then moved to further amend said amendment, as follows, to wit: amend the 79th line, by striking out the words "one hundred and seven dollars and fifty cents," and insert in lieu thereof, "two hundred and thirty four dollars and seventy-five cents;" strike out of the 81st line, the words, "ninety-five dollars," and insert the words, "one hundred and forty-four dollars;" strike out of the 82d line, "ninety," and insert the words, "one hundred and eighty-five;" which amendments were rejected, by the following vote:

YEAS.

Mr. Hawley,
Mr. Mather,

Mr. J. Miller,
Mr. Porter,

Mr. Richardson,

5

NAYS.

Mr. Barlow,
Mr. Bingham,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Curtis,
Mr. Daniels,
Mr. Dolsen,

Mr. Geddes,
Mr. Hammond,
Mr. Leech,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Olin,
Mr. Pierce,
Mr. Rogers,
Mr. Root,

Mr. G. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,
Mr. Speaker,

26

Mr. Philbrick moved to fill the blank relative to the claim of John Munro, with the sum of eight hundred and ninety-seven dollars.

On motion of Mr. Walker,

All that portion of the amendment relative to the claim of John Munro, was stricken out.

Mr. Leech moved further to amend the said amendments, by adding the following: "To the messengers of the House of Representatives, \$25 each, for extra services, conveying documents, bills and journals from the printing office, and mail from post office, and other extra services;" which amendment was adopted.

On motion of Mr. G. Spencer,

The committee of the whole was discharged from the further consideration of Senate bill number thirty-seven, "in relation to delinquent taxes;" and the same was taken up and ordered to a third reading; and,

On motion of Mr. Metcalf,

The twenty-second rule was suspended, that the bill might come up for its third reading; and the same was then read a third time and passed.

Mr. G. Spencer, from the committee on the judiciary, to which was referred the claim and accompanying papers of George Davis & Co., for freight on railroad iron, reported the following joint resolution:

Resolved by the Senate and House of Representatives of the

State of Michigan, That the attorney general of this state be, and he is hereby authorized and required to attend to the interest of the state in the matters of the suit, or matters in difference, between the state or its agent, and George Davis & Co., and the attorney general is hereby vested with all necessary powers in the premises.

On motion of Mr. G. Spencer,

The sixteenth rule was suspended, that said resolution might then be considered; and the said resolution was then considered and adopted.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Monday, April 12, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the directions of the Senate, I have to inform you that the Senate has appointed another committee of conference on the “bill supplementary to an act, entitled ‘An act relative to the sale of real and personal estate under execution,’ approved March 27, 1841,” and that said committee consists of Senators Witherell, Adam and Walker.

D. W. KELLOGG,
Secretary of the Senate.

Mr. Smith moved that the House adjourn; which motion was negatived.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of the Senate “bill to repeal certain laws imposing specific state taxes upon banks;” and the same was taken up in the House, and ordered to a third reading,

Mr. Curtis moved that the House adjourn; which motion did not prevail.

On motion of Mr. Hammond,

The twenty-second rule was suspended, that said bill might come up for a third reading; and the same was then read a third time and passed, by the following vote:

YEAS.

Mr. Barlow,
Mr. Brown,
Mr. Castle,
Mr. Cook,
Mr. Copeland,
Mr. Daniels,
Mr. Dolsen,

Mr. Geddes,
Mr. Hammond,
Mr. Metcalf,
Mr. H. L. Miller,
Mr. Pierce,
Mr. Porter,
Mr. Rogers,

Mr. G. Spencer,
Mr. Sprague,
Mr. Walker,
Mr. Wilcox,
Mr. Willits,
Mr. Wood,

20

NAYS.

Mr. Gillett,
Mr. Hawley,
Mr. Larue,

Mr. Olin,
Mr. Philbrick,
Mr. Smith,

Mr. Strong,
Mr. Tinney,
Mr. Speaker,

9

Whereupon, on motion of Mr. Daniels, the House adjourned until to-morrow morning at nine o'clock.

Tuesday, April 13, 1841.

The House met pursuant to adjournment.

Prayer by the Rev. O. C. Comstock.

The roll being called, Messrs. Hammond, Hawley, Humphrey and Redfield, were absent without leave.

The Chair announced as the special business of the day, the examination and consideration of the charges preferred yesterday against Joseph W. Brown.

When the sergeant-at-arms announced the presence of Mr. Brown within the bar of the House, under his custody.

On motion of Mr. G. Spencer,

The charges alledged against said Brown, were then read by the clerk.

Mr. G. Spencer then offered the following:

Resolved, That the accused be requested to make answer to the charges preferred against him.

Which resolution was adopted.

Mr. Coates offered the following, which was adopted:

Resolved, That J. W. Brown be allowed the privilege to be heard by counsel in his defence before this House.

When G. C. Bates, Esq., counsel for the respondent, read the following affidavit, to wit:

State of Michigan, House of Representatives:

*In the matter of the arrest of general Joseph W. Brown, for
an alledged contempt of this House.*

The accused being arraigned for an alledged contempt of this House, and having heard the charges alledged against him, begs leave, most respectfully, to protest against the right of this House to arraign or try him for the offence charged, for the reason, that the acts, if committed, are not within the letter or spirit of the provisions contained in the revised statutes of 1838, defining the privileges of the House, and prescribing what shall be a contempt thereof; and having made this solemn reservation of what he deems to be the sacred right of every citizen, the accused, further answering, says:

“ That in whatever words he may have, under excitement, used in the presence of the committee of internal improvement, on Saturday, the 10th instant, addressed to the committee, or any member thereof, that he, the accused, intended no disrespect whatever to the committee, or any member thereof, in their official capacity, or to the House; that nothing was further from his wishes or intentions, than to interrupt the business of the committee, to menace its members in the performance of their official duty, or in any manner to violate any of the privileges of this House or the committee of internal improvement; and the accused further saith, that he admits, that in a moment of excitement, produced, as he then thought, by harsh treatment and severe language from one of the committee, he did use the words charged, or words of that import; but that whatever language he may have used, he neither felt nor intended any insult to the committee nor to this House.

J. W. BROWN.

Sworn and subscribed before me, this thirteenth of April, 1841.

JOHN L. TALBOTT,
Notary Public, Wayne Co., Mich.

When, on motion of Mr. Pierce,

The following preamble and resolution were unanimously adopted, to wit:

Whereas, general Joseph W. Brown, has disclaimed any intention to commit any disrespect to the committee of internal improvement, or any member thereof, by the occurrences that took place while said committee were in session in the library room of the capitol, on the 10th instant; therefore,

Resolved, That the said general Joseph W. Brown be, and he is hereby discharged from the custody of the sergeant-at-arms.

And the said Joseph W. Brown was accordingly discharged from the custody of the sergeant-at-arms.

REPORTS.

Mr. H. L. Miller, from the select committee to which was referred the special message of his excellency, accompanied by a "certain report and resolutions concerning the public domain, passed by the general assembly of Indiana," reported that they had bestowed upon the same, some attention, but owing to the little time remaining of the present session, deem it inexpedient to recommend to the House any action upon the subject.

When, upon his motion, the committee was discharged from the further consideration of the subject.

Mr. G. Spencer, from the committee on the judiciary, reported back the Senate "bill to enable George Dorr, a minor, to convey certain parcels of real estate," adverse to its passage; and the same was referred to the committee of the whole, and placed on the general order.

Mr. Walker, from the same committee, reported back the House "bill to incorporate the Thornapple slack water navigation company," and the same was referred to the committee of the whole, and placed on the general order.

Mr. Porter, from the same committee, reported back the Senate "bill to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal, in other states," adverse to its passage; and the same was referred to the committee of the whole and placed on the general order.

Mr. Gillett, from the committee on enrolment, reported as

correctly enrolled "a bill to amend the charter of the city of Detroit."

Mr. Walker moved to take up for consideration, the "bill supplementary to an act entitled 'An act amendatory to 'An act to amend the revised statutes, 'relative to primary schools,' approved April 1, 1840;" which motion did not prevail.

On motion of Mr. Larue,

The House took up for consideration the joint resolution relative to the claim of E. Corning & Co., and the same was then adopted.

On motion of Mr. Curtis,

The committee of the whole was discharged from the further consideration of the Senate "bill to amend the several acts relative to the militia," and the same was laid on the table.

On motion of Mr. Metcalf,

The House took up for consideration the joint resolution offered by him on the 8th instant, authorizing the auditor general to settle the claims of the investigating committee of the several boards of internal improvement.

Mr. G. Spencer then moved to amend the same by adding thereto the following proviso, to wit: "*Provided*, that no further sum shall be allowed than such as have been presented and allowed by the legislature."

Mr. Walker moved to indefinitely postpone the further consideration of the subject; which motion did not prevail.

The question then recurring upon the adoption of Mr. G. Spencer's amendment, it prevailed, by the following vote:

YEAS.

Mr. Bingham,	Mr. Mather,	Mr. M. Spencer,
Mr. Brown,	Mr. H. L. Miller,	Mr. G. Spencer,
Mr. Castle,	Mr. Olin,	Mr. Sprague,
Mr. Clark,	Mr. Philbrick,	Mr. Tinney,
Mr. Coates,	Mr. Pierce,	Mr. Walker,
Mr. Daniels,	Mr. Richardson,	Mr. Willits,
Mr. Geddes,	Mr. Rogers,	Mr. Wood,
Mr. Larue,	Mr. Root,	

23

NAYS.

Mr. Barlow,	Mr. Metcalf,	Mr. Strong,
Mr. Copeland,	Mr. J. Miller,	Mr. Wilcox,

Mr. Dolsen,
Mr. Lamb,

Mr. Russell,
Mr. Smith,

Mr. Speaker,

11

The question then recurring upon the adoption of the resolution as amended,

On motion of Mr. H. L. Miller, its further consideration was then indefinitely postponed.

Mr. H. L. Miller then offered the following:

Resolved, That the Speaker of this House be, and he is hereby authorized and desired in issuing certificates to the members from Mackinac and Chippewa, to include therein, thirty days, during which they were necessarily in attendance on the session of the legislature before its commencement.

Which resolution, on motion of Mr. G. Spencer, was laid on the table.

The "bill relative to the works of internal improvement," was then read a third time and passed.

On motion of Mr. Copeland,

The committee of the whole was discharged from the further consideration of Senate bill number fifty-one, "to provide for making a general index to all books in the offices of the registers of deeds of the respective counties in this state;" and the same was taken up for consideration.

Mr. H. L. Miller moved to indefinitely postpone its further consideration; which motion was negatived.

On motion of Mr. Castle,

The said bill was then amended by inserting after the word "authorized," in the third line of the first section, the following, to wit: "if in the opinion of the commissioners, they shall deem it necessary;" the said bill was then ordered to a third reading.

On motion of Mr. G. Spencer,

The twenty-second rule, requiring the second and third readings of bills to be had on different days, was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

On motion of Mr. G. Spencer,

The House resolved itself into committee of the whole, on

the "bill to amend an act entitled 'An act to regulate and prescribe the amount of fees,' approved April 1, 1840;" Mr. Brown in the chair.

After some time spent thereon, the committee reported the same back to the House with sundry amendments, which were all concurred in except the amendment proposing an additional section, to stand as section nine, which excepted from the operations of the fee bill of 1840, sheriffs, registers of deeds, and judges of probate, in those counties, the population of which is less than ten thousand; which amendment was non-concurred in, by the following vote:

YEAS.

Mr. Castle,	Mr. Metcalf,	Mr. Stockton,	
Mr. Clark,	Mr. H. L. Miller,	Mr. Strong,	
Mr. Lamb,	Mr. Richardson,	Mr. Walker,	
Mr. Larue,			10

NAYS.

Mr. Bingham,	Mr. Geddes,	Mr. Root,	
Mr. Brown,	Mr. J. Miller,	Mr. G. Spencer,	
Mr. Cook,	Mr. Morton,	Mr. Sprague,	
Mr. Copeland,	Mr. Philbrick,	Mr. Willits,	
Mr. Curtis,	Mr. Pierce,	Mr. Speaker,	
Mr. Dolsen,	Mr. Rogers,		17

The said bill was then ordered to a third reading.

On motion of Mr. Copeland,

The twenty-second rule was suspended, that said bill might come up on its third reading; and the said bill was then read a third time and passed.

Mr. Walker offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the tenth rule of the joint rules of said House and Senate, be suspended for the remainder of the present session.

On motion of Mr. G. Spencer,

The sixteenth rule, requiring joint resolutions to lie one day on the table, was suspended; and the said resolution was then considered and adopted.

On motion of Mr. Morton, the House then adjourned until two o'clock, P. M.

Afternoon Session.

The House met according to adjournment.

The roll being called, the same members were present as in the forenoon.

On motion of Mr. Smith,

The Senate "bill to amend the several acts relative to the militia," was taken up from the table and recommitteed to the committee of the whole; and,

On his motion, the House then resolved itself into committee of the whole on said bill; Mr. Smith in the chair.

After some time, the committee rose and reported the bill back to the House, with sundry amendments; which were concurred in, collectively, by the House.

The said bill was then ordered to a third reading.

On motion of Mr. Smith,

The twenty-second rule was suspended, that the said bill might come up on its third reading; and the said bill was then read a third time and passed.

On motion of Mr. Castle,

The committee of the whole was discharged from the further consideration of the Senate "bill to amend 'An act to provide for the laying out and establishing certain state roads,' approved April 18, 1839;" and the same was taken up for consideration and ordered to a third reading.

On motion of Mr. Castle,

The twenty-second rule was suspended, and the said bill was then read a third time and passed.

The House then resolved itself into committee of the whole on the Senate "bill to authorize the commissioners of internal improvement to make special contracts for the construction of works of internal improvement;" Mr. Porter in the chair.

After some time, the committee rose and reported the same back without amendment.

The question then being upon ordering said bill to a third reading, it was lost by the following vote:

YEAS.

Mr. Brown,

Mr. Olin,

Mr. M. Spencer,

Mr. Copeland,	Mr. Pierce,	Mr. G. Spencer,	
Mr. Metcalf,	Mr. Porter,	Mr. Sprague,	
Mr. J. Miller,	Mr. Root,	Mr. Walker,	
Mr. Morton,	Mr. Smith,	Mr. Willits,	15

NAYS.

Mr. Bingham,	Mr. Dolsen,	Mr. Philbrick,	
Mr. Castle,	Mr. Drew,	Mr. Richardson,	
Mr. Coates,	Mr. Geddes,	Mr. Stockton,	
Mr. Cook,	Mr. Lamb,	Mr. Wilcox,	
Mr. Curtis,	Mr. Lee,	Mr. Wood,	
Mr. Daniels,	Mr. H. L. Miller,	Mr. Speaker,	18

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, April 13, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return with their concurrence, the “joint resolution relative to a distribution of the session laws, journals and documents of the present session;” and the “joint resolution to suspend the tenth joint rule.”

Also, I have to inform you, that the Senate has concurred in all the House amendments to the “joint resolution relative to the works of internal improvement,” except the amendment “striking out a part of the fourth line, first section, and inserting the words written over said fourth line,” which the Senate non-concur in.

Also, to inform you respectfully, that the Senate do not adopt the report of the second committee of conference on the “bill supplementary to an act entitled ‘An act relative to the sale of real and personal estate on execution,’ approved March 27, 1841.”

And, also, to inform you, that the Senate concur in the amendments by the House, to the “bill to provide for making a general index to all books in the offices of registers of deeds of the respective counties of this state.”

D. W. KELLOGG,
Secretary of the Senate.

The House then receded from its amendments in which the

Senate non-concurred, to the "joint resolution relative to the works of internal improvement," and passed the same accordingly.

Mr. H. L. Miller, from the committee on the part of the House, appointed to confer with a like committee of the Senate, on the "bill supplementary to an act entitled "An act relative to the sale of real and personal estate on execution,"" reported that the committee of conference had agreed that the House should insist on their amendment to said bill, striking out the first and second sections of the Senate bill; which report was concurred in and adopted by the House.

The House then resolved itself into committee of the whole, on the Senate "bill to authorize the settlement of debts due to the state of Michigan," and for other purposes;" Mr. H. L. Miller in the chair.

After some time, the committee rose and reported the same back with sundry amendments, which were concurred in by the House, collectively; and the said bill being under consideration,

Mr. Coates moved to amend the same, in the first section, by striking out the word "governor," where it occurs in said section, and substitute therefor the word "legislature;" which amendment was not adopted.

Mr. Richardson then moved the following proviso to the 1st section, to wit:

"And provided, That no prior incumbrance shall be paid off, unless the property incumbered shall, in their opinion, be worth more than the amount of the incumbrances;" which amendment was rejected, by the following vote:

YEAS.

Mr. Bingham,
Mr. Castle,
Mr. Clark,
Mr. Coates,
Mr. Daniels,
Mr. Gillett,

Mr. Lee,
Mr. Leech,
Mr. Mather,
Mr. Olin,
Mr. Philbrick,

Mr. Russell,
Mr. Smith,
Mr. M. Spencer,
Mr. Walker,
Mr. Wood,

16

NAYS.

Mr. Barlow,
Mr. Brown,

Mr. Metcalf,
Mr. H. L. Miller,

Mr. G. Spencer,
Mr. Sprague,

Mr. Cook,	Mr. Pierce,	Mr. Strong,	
Mr. Copeland,	Mr. Porter,	Mr. Wilcox,	
Mr. Dolsen,	Mr. Rogers,	Mr. Willits,	
Mr. Drew,	Mr. Root,	Mr. Speaker,	
Mr. Geddes,			19

Mr. Metcalf then moved to indefinitely postpone the further consideration of said bill, which motion was negatived; and the bill was then ordered to a third reading, by the following vote:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Rogers,	
Mr. Brown,	Mr. Mather,	Mr. Root,	
Mr. Castle,	Mr. Metcalf,	Mr. Sprague,	
Mr. Cook,	Mr. J. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Wilcox,	
Mr. Daniels,	Mr. Morton,	Mr. Willits,	
Mr. Dolsen,	Mr. Pierce,	Mr. Speaker,	
Mr. Geddes,	Mr. Porter,		23

NAYS.

Mr. Bingham,	Mr. Olin,	Mr. M. Spencer,	
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,	
Mr. Curtis,	Mr. Richardson,	Mr. Walker,	
Mr. Lee,	Mr. Russell,	Mr. Wood,	
Mr. Leech,	Mr. Smith,		14

Mr. Bingham moved to suspend the rule, that said bill might then be read a third time; which motion did not prevail, two-thirds not voting in the affirmative, the following being the vote thereon:

YEAS.

Mr. Barlow,	Mr. Gillett,	Mr. Rogers,	
Mr. Brown,	Mr. Lamb,	Mr. Root,	
Mr. Castle,	Mr. Mather,	Mr. G. Spencer,	
Mr. Cook,	Mr. J. Miller,	Mr. Strong,	
Mr. Copeland,	Mr. H. L. Miller,	Mr. Wilcox,	
Mr. Daniels,	Mr. Morton,	Mr. Willits,	
Mr. Dolsen,	Mr. Pierce,	Mr. Speaker,	
Mr. Geddes,	Mr. Porter,		23

NAYS.

Mr. Bingham,	Mr. Metcalf,	Mr. Smith,	
Mr. Clark,	Mr. Olin,	Mr. M. Spencer,	
Mr. Coates,	Mr. Philbrick,	Mr. Tinney,	
Mr. Curtis,	Mr. Richardson,	Mr. Walker,	
Mr. Lee,	Mr. Russell,	Mr. Wood,	
Mr. Leech,			16

Mr. Gillett, from the committee on enrolment, reported as correctly enrolled, the following:

“An act to prescribe certain duties of commissioners of highways, and other township officers, and for other purposes.”

“An act to provide for the anticipation of certain instalments of the five million loan, and for other purposes.”

“An act making further appropriations for continuing the building of the state prison, and for other purposes.”

“An act to amend chapter eight, title five, part one of the revised statutes, ‘relative to specific taxes.’”

“A joint resolution, relative to an adjournment.”

Mr. Coates, from the same committee, reported as correctly enrolled, “An act relative to the works of internal improvement;” when,

On motion of Mr. Bingham, the House adjourned, until seven o’clock, this evening.

Evening Session.

The House met pursuant to adjournment.

The roll being called, Messrs. Barlow, Drew, Hammond, Hawley, Humphrey, Lamb and Renwick were absent without leave.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, April 13, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the instructions of the Senate, I herewith return, with an amendment, the House “joint resolution relative to the claim of E. Corning & Co.”

Also, I am instructed by the Senate, to return the House “bill to provide for the payment of certain claims therein mentioned,” and to inform you that the Senate have concurred in some of the House amendments to Senate amendments, have non-concurred in others, and have amended others; for the details of which, you are referred to the accompanying abstract.

Also, I am instructed to inform you that the Senate have

reconsidered their vote upon adopting the report of the second committee of conference on the bill "supplementary to an act entitled 'An act relative to the sale of real and personal estate on execution,' approved March 27, 1841," and that the Senate have adopted said report, and passed the bill accordingly.

D. W. KELLOGG,
Secretary of the Senate.

The House concurred in the Senate amendments to the "joint resolution relative to E. Corning & Co."

And the House receded from such of their amendments to the Senate amendments to the "bill to provide for the payment of certain claims therein mentioned," as the Senate non-concurred in, and the House also concurred in the further amendments of the Senate to said bill, and passed the same accordingly.

The Chair also announced the following message from the Senate:

SENATE CHAMBER, }
Tuesday, April 13, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform you that the Senate has concurred in and adopted the report of the committee of conference, on the "bill to amend the law relative to crimes," and passed the bill accordingly.

Also, I have to inform you that the Senate has concurred in the House amendments to the Senate "bill to amend the several acts relative to the militia."

I am instructed also, to return the House "bill to provide for a settlement with the Detroit and Pontiac railroad company," and the "bill to amend section two, chapter six, title two, part one of the revised statutes," with sundry amendments to each, in which the concurrence of the House is respectfully asked.

D. W. KELLOGG,
Secretary of the Senate.

And the House then concurred in the Senate amendment to

the "bill to provide for a settlement with the Detroit and Pontiac railroad company," by the following vote:

YEAS.

Mr. Bingham,	Mr. Lee,	Mr. Russell,
Mr. Brown,	Mr. Leech,	Mr. Smith,
Mr. Castle,	Mr. Mather,	Mr. Stockton,
Mr. Clark,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Coates,	Mr. Olin,	Mr. Walker,
Mr. Curtis,	Mr. Philbrick,	Mr. Wilcox,
Mr. Daniels,	Mr. Richardson,	Mr. Wood,
Mr. Geddes,	Mr. Root,	Mr. Speaker,
Mr. Gillett,		

25

NAYS.

Mr. Cook,	Mr. J. Miller,	Mr. Rogers,
Mr. Dolsen,	Mr. Morton,	Mr. M. Spencer,
Mr. Larue,	Mr. Pierce,	Mr. G. Spencer,
Mr. Metcalf,	Mr. Porter,	Mr. Willits,

12

And the House also concurred in the Senate amendments to the "bill to amend section two of chapter six, title two, part one of the revised statutes," and passed the same accordingly.

Mr. Porter, from the committee on conference on the Senate "bill relative to crimes," submitted a report thereon; which report was concurred in and adopted.

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

1. "An act relative to the duties of township treasurers."
2. "An act to provide for the payment of the members and officers of the present legislature."
3. "An act to preserve the purity of elections, and to amend title two of the revised statutes."
4. "An act to amend the charter of the city of Detroit."
5. "An act in relation to delinquent taxes."
6. "An act defining the powers of the court of chancery in partitions."
7. "An act to reduce the price of university and school lands, and for other purposes."
8. "An act to amend 'An act to provide for the laying out and establishing certain state roads,' approved April 18, 1839."

9. "An act to provide for making a general index to all books in the offices of the registers of deeds of the respective counties of this state."

And also, "A joint resolution in relation to the claims of Herrington and Bathy."

Also, "A joint resolution relative to the Ypsilanti and Tecumseh railroad."

Also, "A joint resolution relative to the Southern railroad."

Also, "A joint resolution relative to the bank of Adrian."

Also, "A joint resolution relative to the return of books to the state library."

J. WRIGHT GORDON.

Executive Office, April 13, 1841.

The Speaker called Mr. Larue to the chair; when

Mr. Coates offered the following resolution, which was unanimously adopted:

Resolved, unanimously, That the thanks of this House be presented to the honorable John Biddle, for his honorable and impartial discharge of the duties of presiding officer over this body,

On motion of Mr. Pierce,

The committee of the whole was discharged from the further consideration of the Senate "bill to provide for the payment of the salaries of state officers;" and the same was taken up for consideration; when,

On motion of Mr. H. L. Miller, the following was adopted as an additional section:

"Sec. 3. That the auditor general be, and he is hereby authorized to transfer from the delinquent tax fund, to the general fund, a sum sufficient to meet the appropriations herein made."

On motion of Mr. Strong, the following was also adopted as an additional section:

"Sec. 4. That the sum of one thousand dollars be appropriated as a contingent fund subject to the order of the governor."

Which amendment was adopted; the said bill was then ordered to a third reading.

On motion of Mr. Walker,

The twenty-second rule was suspended, and the said bill was then read a third time, and passed.

On motion of Mr. Walker,

The committee of the whole was discharged from the further consideration of the Senate "bill to amend chapter five, title three, part three of the revised statutes, entitled 'of forcible entry and detainer;'" and the same was taken up for consideration, and the amendments reported by the judiciary committee were then adopted; the said bill was then ordered to a third reading.

On motion of Mr. Porter,

The twenty-second rule was suspended, that the said bill might then come up on its third reading, and the said bill was then read a third time and passed.

Mr. Strong then offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby authorized to draw his warrant for such sum as may be necessary to pay for the plates and paper, and the printing of the scrip directed to be procured by the first section of the act entitled "An act to provide for the anticipation of the five million loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement," the same to be drawn from the internal improvement fund.

And on his motion, the sixteenth rule was suspended, and the resolution was then considered and adopted.

Mr. Gillett, from the committee on enrolment, reported as correctly enrolled "An act to provide for the laying out of certain state roads and for other purposes."

"Joint resolution relative to the distribution of the session laws, journals and documents of the present session of the legislature."

"Joint resolution concerning the claim of E. Corning & Co."

Mr. G. Spencer obtained the general consent of the House to introduce "a bill to repeal 'An act to authorize the board of commissioners of internal improvement to loan to the Palmyra

and Jacksonburg railroad company, a certain amount of railroad iron, and for other purposes;” which bill was twice read and referred to the committee of the whole; when, on his motion, the committee of the whole was discharged from the further consideration of the same; and,

On motion of Mr. Walker,

The following was then adopted as an additional section of said bill, to wit:

“Sec. 2. The board of commissioners of internal improvement are authorized and directed to recall any orders they may have heretofore issued to said company, for any iron, under the provisions of the above recited act, and upon the return of such orders, the auditor general is authorized to release any securities the company may have heretofore given, to secure the payment of such iron.”

The said bill was then ordered to a third reading.

On motion of Mr. G. Spencer,

The twenty-second rule was suspended, that said bill might then come up on its third reading; and the said bill was then read a third time and passed, by the following vote:

YEAS.

Mr. Bingham,	Mr. Leech,	Mr. Root,
Mr. Castle,	Mr. Mather,	Mr. M. Spencer,
Mr. Clark,	Mr. J. Miller,	Mr. G. Spencer,
Mr. Cook,	Mr. H. L. Miller,	Mr. Tinney,
Mr. Curtis,	Mr. Morton,	Mr. Walker,
Mr. Dolsen,	Mr. Olin,	Mr. Willits,
Mr. Geddes,	Mr. Pierce,	Mr. Speaker,
Mr. Gillett,	Mr. Porter,	

28

NAYS.

Mr. Brown,	Mr. Russell,	Mr. Stockton,
Mr. Daniels,	Mr. Smith,	Mr. Wilcox,

6

The House then resolved itself into committee of the whole, on the bill and senate amendments to the same, “to renew an act entitled ‘An act to exempt grain while growing, and other unharvested crops, from sale under execution;’” Mr. Walker in the chair.

After some time, the committee rose and reported the same back with the opinion that the House ought not to concur in

the amendments made to said bill by the Senate; which report was concurred in, by the following vote:

YEAS.

Mr. Bingham,	Mr. Mather,	Mr. M. Spencer,
Mr. Brown,	Mr. J. Miller,	Mr. G. Spencer,
Mr. Castle,	Mr. Morton,	Mr. Tinney,
Mr. Clark,	Mr. Pierce,	Mr. Walker,
Mr. Cook,	Mr. Porter,	Mr. Wilcox,
Mr. Dolsen,	Mr. Richardson,	Mr. Willits,
Mr. Geddes,	Mr. Rogers,	Mr. Speaker,
Mr. Lee,		

22

NAYS.

Mr. Curtis,	Mr. H. L. Miller,	Mr. Smith,
Mr. Daniels,	Mr. Philbrick,	Mr. Stockton,
Mr. Metcalf,	Mr. Russell,	Mr. Wood,

9

The Chair announced the following message from the executive:

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

“An act to amend chapter eight, title five, part one of the revised statutes, ‘relative to specific taxes.’”

“An act relative to the works of internal improvement.”

“An act making further appropriations for continuing the building of the state prison, and for other purposes.”

“An act to prescribe certain duties of commissioners of highways, and other township officers, and for other purposes.”

“An act to provide for the anticipation of certain instalments of the five million loan, and for other purposes.”

“An act relative to the Detroit and Pontiac railroad company.”

“An act to amend the several acts relative to the militia.”

“An act to provide for the laying out of certain state roads, and for other purposes.”

“An act supplementary to an act entitled ‘An act relative to the sale of real and personal estate on execution,’ approved March 27, 1841.”

And also, “A joint resolution concerning the claim of E. Corning & Co., of the city of Albany, for railroad spike.”

Also, "A joint resolution relative to the distribution of the session laws, journals and documents of the present session of the legislature."

J. WRIGHT GORDON.

Executive Office, April 13, 1841.

The Chair also announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER, }
Tuesday, April 13, 1841. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House of Representatives, "a bill making certain appropriations therein named," which the Senate has passed, and respectfully ask the concurrence of the House in the same.

I am also directed to inform you, that the Senate has concurred in the House amendment to the "bill to provide for the payment of the salaries of the state officers," and also has concurred in the amendments by the House, to the "bill to amend chapter five, title three, part three of the revised statutes, entitled 'of forcible entry and detainer.'"

D. W. KELLOGG,
Secretary of the Senate.

And the "bill making certain appropriations therein named," was read twice, and referred to the committee of the whole; when,

The House resolved itself into committee of the whole, on said bill; Mr. Porter in the chair.

After some time, the committee rose and reported the same back to the House, without amendment; and the said bill was then ordered to a third reading.

On motion of Mr. Walker,

The twenty-second rule was suspended, that said bill might then be read a third time; and the said bill was then read a third time and passed.

On motion of Mr. Richardson,

The committee of the whole was discharged from the further consideration of the Senate "bill to alter the judicial cir-

cuits of this state, and to regulate the terms thereof," and the same was taken up in the House; and the question being upon ordering said bill to a third reading, it was decided in the negative, as follows:

YEAS.

Mr. Bingham,
Mr. Clark,
Mr. Curtis,
Mr. Leech,
Mr. H. L. Miller,

Mr. Philbrick,
Mr. Richardson,
Mr. Root,
Mr. M. Spencer,

Mr. Stockton,
Mr. Tinney,
Mr. Walker,
Mr. Wood,

13

NAYS.

Mr. Brown,
Mr. Cook,
Mr. Daniels,
Mr. Dolsen,
Mr. Geddes,
Mr. Larue,

Mr. Mather,
Mr. Metcalf,
Mr. J. Miller,
Mr. Morton,
Mr. Olin,
Mr. Pierce,

Mr. Rogers,
Mr. Smith,
Mr. G. Spencer,
Mr. Strong,
Mr. Wilcox,
Mr. Willits,

18

Mr. Gillett, from the committee on enrolment, reported as correctly enrolled, "An act to amend section two, of chapter six, title two, part one of the revised statutes, 'relative to district canvass,' and for other purposes;" and "An act to provide for the payment of certain claims therein mentioned."

On motion of Mr. Metcalf,

The committee of the whole was discharged from the further consideration of all the bills now on the general order; when,

On motion of Mr. Richardson,

The further consideration of the following bills was indefinitely postponed, to wit:

"A bill to amend an act entitled 'An act relative to highways,' approved March 20, 1840."

"A bill to amend an act entitled 'An act to organize the militia,' approved April 23, 1838."

"A bill to provide for the purchase of the Palmyra and Jacksonburg railroad."

"A bill to amend chapter seven, title two, part three of the revised statutes, entitled 'of judgments in courts of record, and executions thereon.'"

On motion of Mr. Bingham, the following, also, to wit:

“A bill to authorize the board of internal improvement to settle with the Detroit and Pontiac railroad company,” &c.

“A (Senate) bill to repeal the law authorizing the laying out of a state road therein named.”

“A bill to amend part three, title three, chapter eight of the revised statutes, ‘relative to foreclosure of mortgages.’”

“A bill to provide for the correct recording of deeds.”

On motion of Mr. Walker,

The Senate “bill to amend the several acts in relation to the university and its branches,” was indefinitely postponed.

On motion of Mr. Daniels,

The “bill for the relief of the county of Mackinac,” was postponed indefinitely.

On motion of Mr. Leech,

The Senate “bill for the relief of Job Slatford;” also, the “bill to provide for the incorporation of musical associations,” were indefinitely postponed.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, April 13, 1841. }

To the Speaker of the House of Representatives:

SIR—In compliance with the directions of the Senate, I return herewith the House “bill to repeal ‘An act to authorize the board of commissioners of internal improvement, to loan to the Palmyra and Jacksonburg railroad company, a certain amount of railroad iron, and for other purposes,’” which the Senate has passed with amendments.

Also, to transmit “A joint resolution relative to the securities received from the Morris canal and banking company,” which the Senate has passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the amendments of the Senate to the “bill to repeal ‘An act to authorize the board of commissioners of internal improvement, to loan to the Palmyra

and Jacksonburg railroad company, a certain amount of railroad iron," &c., and passed the same accordingly.

The joint resolution transmitted by the above message, was then considered and adopted.

On motion of Mr. Metcalf,

The House took up from the table the "bill to provide for the payment of certain claims therein named," and the same was then ordered to a third reading; and,

On his motion, the twenty-second rule was suspended, and the said bill was then read a third time and passed.

Mr. G. Spencer, from the committee on the judiciary, reported back the Senate "bill in relation to mortgages," and recommended its passage.

The said bill was then taken up and ordered to a third reading.

On motion of Mr. Metcalf,

The twenty-second rule was suspended, and the said bill was then read a third time and passed.

The Chair announced the following message from the Senate, by Mr. Kellogg, their secretary:

SENATE CHAMBER,
Tuesday, April 13, 1841. }

To the Speaker of the House of Representatives:

SIR—The Senate has directed me to inform you, that the "bill to provide for the payment of certain claims therein named," has passed that body, and I am directed further to return the same.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Bingham,

Resolved, That a committee of two be appointed, to join such committee as may be appointed on the part of the Senate, to wait upon his excellency the governor, and inform him that the two houses are ready to adjourn, and ask if he has any further communication to make.

The Chair announced as such committee, Messrs. Bingham and J. Miller.

On motion of Mr. H. L. Miller,

Resolved, That a committee of two be appointed by this House, to wait upon the honorable the Senate, and inform that body that this House is now ready to adjourn.

The Chair announced as such committee, Messrs. H. L. Miller and Richardson.

Mr. Gillett, from the committee on enrolment, reported as correctly enrolled, "a bill to provide for the payment of certain claims therein named."

"An act to repeal 'An act authorizing the board of commissioners of internal improvement to loan to the Palmyra and Jacksonburg railroad company, a certain amount of railroad iron.'"

The Chair announced the following message from the executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the secretary of state, the following entitled acts:

1. "An act to provide for the payment of the salaries of the state officers, and for other purposes."

2. "An act to amend the law relative to crimes."

3. "An act to amend chapter five, title three, part three of the revised statutes, entitled 'of forcible entry and detainer.'"

4. "An act making certain appropriations therein named."

5. "An act to amend section two, of chapter six, title two, part one of the revised statutes, 'relative to district canvass,' and for other purposes."

6. "An act to provide for the payment of certain claims therein mentioned."

7. "An act to repeal 'An act to authorize the board of internal improvement to loan to the Palmyra and Jacksonburg railroad company, a certain amount of railroad iron,' and for other purposes."

8. "An act in relation to mortgages."

9. "An act to provide for the payment of certain claims therein named."

And, also, "A joint resolution relative to the securities received from the Morris canal and banking company."

J. WRIGHT GORDON.

Executive Office, April 13, 1841.

Mr. Bingham, from the select committee appointed to wait upon the executive, reported that the committee had discharged the duty assigned to it, and that the executive informed the committee that he had no further communication to make to the present session of the legislature.

Mr. H. L. Miller, from the select committee appointed to inform the Senate that the House was now ready to adjourn, reported that the committee had discharged that duty.

When, on motion of Mr. Bingham, the House adjourned, *sine die*.

INDEX.

PETITIONS.

	Page.
Of citizens of Washtenaw county, for a law fixing the pay of members at two dollars per diem—Mr. G. Spencer,	38, 48, 53, 88
Of citizens of Sylvan, in same county, for the same object—Mr. Pierce,	38
Of inhabitants of the townships of Irving, Thornapple and Yankee Springs, Barry county, for the organization of a township—Mr. Barlow,	38
Of inhabitants of St. Clair and Sanilac counties, for a state road through the same—Mr. Porter,	38
Of inhabitants of the township of Clyde, St. Clair county, for a division of said township—Mr. Porter,	38
Of inhabitants of Ross, Kalamazoo county, for an alteration of the boundaries of said township—Mr. Brown,	39
Of inhabitants of Woodhull, Shiawassee county, for a division of said township—Mr. Castle,	39
Of inhabitants of Kalamazoo county, for a reduction of the price of university and school lands—Mr. Brown,	39
Of inhabitants of Ontwa, Cass county, for a repeal of the "fee bill," of 1840—Mr. Strong,	39
Of inhabitants of Ira, St. Clair county, asking the annexation of a portion of Cottrelville to said township—Mr. Porter,	47
Of Moses Taft, and others, for an extension of the time for the payment of certain school lands—Mr. Tyler,	47, 78, 92
Of inhabitants of Dryden, Lapeer county, for the organization of a township—Mr. Lamb,	47
Of the commissioners of Macomb county, for the use of the jail of Wayne county—Mr. Stockton	48
Of inhabitants of Monroe county, for an exemption of nursery property from execution—Mr. Smith,	48
Of inhabitants of Charleston and Ross, Kalamazoo coun-	

	Page.
ty, for an alteration in the boundaries of said townships—Mr. Brown,	62
Of two hundred and four inhabitants of Kalamazoo county, relative to the abolition of slavery, &c.—Mr. Brown,	62
Of inhabitants of Watertown and Dewitt, Clinton county, for an act authorizing Philo Doty and William Utley and others, to erect certain mill dams—Mr. Castle,	62
Of inhabitants of Clinton county, for a state road—Mr. Castle,	62
Of the officers of Clinton county, for the transfer to said county of certain taxes, from Shiawassee county—Mr. Castle,	62
Of forty-seven inhabitants of Branch county, for a reduction of the price of university and school lands—Mr. Hammond,	62
Of the commissioners of St. Joseph county, in relation to certain uncollected taxes—Mr. Tyler,	62
Of Robert Cathcart, a settler on the university land, for relief—Mr. Larue,	63
Of sundry inhabitants of Cooper, Kalamazoo county, for a reduction of the price of university and school lands—Mr. Brown,	67
Of Lewis E. Baily, for compensation for the loss of a horse in the Toledo war—Mr. Smith,	68
Of W. Smyth, and others, journeymen printers, against a reduction of the price paid for public printing—Mr. Harding,	74
Of N. D. Curtis, and other inhabitants of Monroe, respecting the practice of botanic physicians—Mr. Smith,	74
Of inhabitants of Lenawee county, for a reduction of the price of school lands—Mr. Speaker,	74
Of J. K. Averill, of Port Huron, St. Clair county, proposing to do the public printing—Mr. Richardson,	74
Of sundry inhabitants of the state, for a law authorizing the practice of botanic physicians—Mr. Speaker,	80, 86 142, 180.
Of inhabitants of Calhoun county, for the relocation of a certain state road—Mr. M. Spencer,	80
Of inhabitants of Owasso, Shiawassee county, for the organization of a township—Mr. Castle,	86
Of citizens of Dearborn, Wayne county, respecting the boundaries of said township—Mr. Mather,	88
Of inhabitants of Phelpstown, Ingham county, relative to highway taxes in that township—Mr. Bush,	88

PETITIONS.

715

	Page.
Of Humphrey Wheeler, for relief—Mr. Castle,	88
Of Jacob R. Davis, for relief—Mr. Larue,	88
Of inhabitants of Sena, Clinton county, to legalize certain acts of the officers of that township, and for the alteration of the name of said town—Mr. Castle,	91
Of inhabitants of Branch county, for a division of the town of Bronson—Mr. Hammond,	91
Of inhabitants of town four south, ranges nine and ten west, to be organized into a separate township—Mr. Brown,	91
Of H. N. Monson, in relation to the bounty on certain wolves destroyed—Mr. Porter,	92
Of citizens of Washtenaw and Jackson, for an appropriation on the Central railroad—Mr. Pierce,	99
Of inhabitants of Port Huron, St. Clair county, that Black river in said county may be made a public highway—Mr. Porter,	99
Of inhabitants of Shiawassee and Clinton counties, for a state road—Mr. Castle,	99
Of inhabitants of Macon, Lenawee county, for a division of said township—Mr. Sprague,	99, 142, 206, 224
Of inhabitants of Dewitt, Clinton county, for the organization of a township in said county—Mr. Castle,	99
Of inhabitants of Washtenaw, for the incorporation of a company for the purpose of manufacturing salt—Mr. Renwick,	99
Of inhabitants of Ionia and Kent counties, for a state road—Mr. Walker,	99
Of inhabitants of Ingham, for the organization of a township—Mr. Bingham,	106
Of S. M. Green, in relation to certain school district taxes—Mr. Richardson,	106.
Of one hundred and fifty-six citizens of Calhoun county for the suppression of the issue of shinplasters—Mr. M. Spencer,	112
Of S. Hale, of Lenawee county, for a declaratory act on the subject of his election as county commissioner—Mr. Speaker,	112
Of Moses Finch, for relief—Mr. Larue,	112
Of inhabitants of Tompkins, Jackson county, for an alteration of the Clinton and Grand river road—Mr. Hawley,	112
Of inhabitants of western Michigan, concerning the university and school lands—Mr. Brown,	127—
Of inhabitants of Genesee county, for a law for the collection of a certain tax—Mr. Castle,	127

	Page.
Of the county officers of Genesee county, relative to the highway tax of 1838—Mr. Castle,	127
Of inhabitants of Lenawee county, for a reduction of price of university and school lands—Mr. Speaker,	127
Of inhabitants of Vermontville, Eaton county, for the organization of a new township—Mr. Barlow,	127
Of inhabitants of Jackson, for a law granting a premium on silk grown in this state—Mr. Copeland,	127
Of inhabitants of St. Clair county, for the construction of a turnpike upon the line of the Northern railroad—Mr. Porter,	142, 157
Of a convention of citizens of Calhoun and other counties, for a law authorizing the survey of a canal route from Jackson to Three Rivers—Mr. Hammond,	142
Of inhabitants of St. Clair county, for the removal of the county seat of that county—Mr. Porter,	142, 157, 163
Of inhabitants of Oakland county, for an alteration of the militia law—Mr. Curtis,	142
Of R. Gillett, treasurer of Wayne county—Mr. Dolson,	142
Of inhabitants of Oakland county, for the legalization of a certain road tax—Mr. Curtis,	152
Of the directors of the Kalamazoo mutual insurance company, for an alteration of its charter—Mr. Brown,	152
Of William Utley and others, for the erection of a dam across the Looking Glass river at Dewitt, Clinton county—Mr. Castle,	157
Of citizens of Oakland county, for an alteration of the judiciary system—Mr. Richardson,	158
Of inhabitants of Bucks, St. Joseph county, for a law designating a place for the meetings of that township—Mr. Metcalf,	162
Of inhabitants of Warren, Macomb county, for a division of that township—Mr. Stockton,	163
Of two hundred and seventy-three inhabitants of western Michigan, for relief to the purchasers of school and university lands—Mr. Brown,	163
Of inhabitants of Lenawee county, for the same purpose—Mr. Daniels,	163
Of Emily Simmons, for a divorce from her husband—Mr. Root,	163
Of the "Palmyra and Jacksonburg railroad company," for relief—Mr. Sprague,	163
Of inhabitants of Clinton county, for the legalization of certain acts—Mr. Castle,	170

PETITIONS.

717

Page.

Of inhabitants of Livingston, Ionia and Kent counties, for the application of the non-resident taxes in these counties, for the construction of a state road—Mr. Walker,	170
Of citizens of Detroit, for a law providing for the inspection of hides and leather—Mr. Russell,	170
Of the county commissioners of Ionia county, for the legalization of the collection of a certain tax—Mr. Walker,	170
Of seventy-nine persons of color, for an extension of the elective franchise to them—Mr. Hammond,	171
Of inhabitants of Richland, Kalamazoo county, for a further suspension of specie payments to the banks—Mr. Miller,	176, 216
Of Thomas C. Sheldon and others, citizens of Detroit, praying the legislature to consider the deranged condition of the currency—Mr. Biddle,	196, 197
Of William Daniels, relative to a resumption of specie payments by the banks—Mr. Coates,	230
Of citizens of Oakland, relative to a suspension of the banks—Mr. Coates,	234
Of W. W. Deane and others, to compel the banks to resume specie payments—Mr. Bingham,	238
Of citizens of Detroit, for speedy action in relation to the currency—Mr. Biddle,	260
Of inhabitants of Allegan county, that the township of Manlius be attached to the township of Newark, &c.—Mr. Barlow,	176
Of inhabitants of St. Joseph county, relative to the abolition of slavery—Mr. Tyler,	176
Of the commissioners of Allegan county, for a law authorizing counties to bid in lands sold for taxes—Mr. Barlow,	176
Of W. W. McLouth, for a premium on silk manufactured in this state—Mr. Speaker,	179
Of inhabitants of Washtenaw county, for the exemption of person of color from payment of a poll tax—Mr. G. Spencer,	179
Of inhabitants of Barry county, for the organization of a certain township—Mr. Barlow,	180
Of settlers on the university and school lands, for relief—Mr. Walker,	180—
Of inhabitants of Clinton county, for the organization of a certain township—Mr. Castle,	184
Of inhabitants of St. Clair county, that dealers in provisions may not be appointed inspectors thereof—Mr. Porter,	185

	Page.
Of inhabitants of St. Clair, that persons betting on the result of elections, may be disfranchised—Mr. Porter,	185
Of inhabitants of Jackson county, for a bounty on raw silk produced in this state—Mr. Hawley,	185
Of inhabitants of Jackson county, for the alteration of a state road—Mr. Hawley,	185
Of inhabitants of Hillsdale county, for a reduction of the price of university and school lands—Mr. Hammond,	185—
Of inhabitants of Calhoun county, for the same purpose—Mr. M. Spencer,	185—
Of inhabitants of Allegan, Allegan county, for the organization of a township—Mr. Barlow,	196
Of inhabitants of Napoleon, Jackson county, purchasers of school lands, for relief—Mr. Copeland,	196—
Of inhabitants of Jackson county, for a bounty on raw silk, grown in this state—Mr. Copeland,	196
Of inhabitants of the state, relative to the flowing of lands by mill dams—Mr. Metcalf,	205
Of Erastus Ingersoll, for leave to build a dam across the Grand river—Mr. Renwick,	205
Of inhabitants of Union and Girard townships, Branch county, for a reduction of the price of university and school lands—Mr. Hammond,	205—
Of inhabitants of town three south, range two east, for the division of a township—Mr. Hawley,	205
Of inhabitants of the township of Jena, Livingston county, for a change of the name of said town—Mr. Bush,	206
Of inhabitants of Calhoun county, for a reduction of the price of university and school lands—Mr. M. Spencer,	201—
Of inhabitants of Ionia county, relative to the Northern railroad—Mr. Walker,	202
Of inhabitants of Ottawa county, for the removal of the county seat of said county—Mr. Walker,	212
Of inhabitants of Oakland, Genesee and Livingston counties, for the organization of a new county—Mr. Castle,	212
Of John Starkweather and others, for a state road from Marshall to Charlottsville—Mr. Barlow,	212
Of inhabitants of Oakland and Genesee counties, for commissioners to lay out a state road—Mr. Castle,	212
Of inspectors of the city of Detroit, relative to school district number eight, in said city—Mr. Harding,	212
Of inhabitants of Monroe, Lenawee, Hillsdale, Branch	

PETITIONS.

719

Page.

and St. Joseph counties, for an appropriation on the Southern railroad—Mr. Speaker, 216, 220, 224, 230, 234, 245, 252, 260, 265.

Of citizens of the state, relative to the flowing of lands by mill ponds—Mr. Tyler, 216

Of the officers of Lapeer county, for a change in the judiciary system—Mr. Lamb, 216

Of P. W. C. Gates and C. S. Hooker, for a law authorizing the sale of certain real estate—Mr. Curtis, 216

Of inhabitants of Moscow, Hillsdale county, relative to highways—Mr. Willits, 216

Of inhabitants of Kent county, for the relief of the settlers on the university and school lands; also, of the same, for the legalization of certain acts—Mr. Walker, 216

Of inhabitants of Monroe county, for a reduction of the price of university and school lands, &c.—Mr. Speaker, 216, 217

Of inhabitants of Berrien county, for the same purpose—Mr. Larue, 217

Of inhabitants of St. Joseph county, for the same purpose—Mr. Tyler, 217

Of inhabitants of Calhoun county, for the exemption of certain property from execution—Mr. Olin, 217

Of citizens of Calhoun and Eaton counties, for a state road—Mr. Olin, 217

Of William Dougherty and others, for a reduction of the price of university and school lands—Mr. Larue, 220

Of inhabitants of the county of Cass, for the same object—Mr. Redfield, 220

Of a meeting of the citizens of Allegan county, asserting the constitutional right of that county to a member of the legislature—Mr. Speaker, 220, 221

Of citizens of Detroit, that the trial by jury may be secured to fugitive slaves—Mr. Hammond, 224

Of citizens of Berrien county, settlers on the university and school lands, for relief—Mr. Larue, 224

Of Ariel Hilton, for the same purpose—Mr. Walker, 224

Of inhabitants of Ingham and Ionia counties, for a state road—Mr. Bush, 230

Of Erastus Ingersoll, to allow the inhabitants of Oneida, Eaton county, to raise money to build a certain bridge—Mr. Barlow, 230

Of James Kennedy, a settler upon the university lands, for relief—Mr. Larue, 230

	Page.
Of Asaph Teall and Henry Straight, for services rendered in the Toledo war—Mr. Larue,	233
Of citizens of Berrien county, for a reduction of the price of university and school lands—Mr. Larue,	233
Of the inhabitants of Mundy, Genesee county, for the organization of a new township—Mr. Castle,	233
Of Noah Brookfield and Josiah Pidge, settlers on state lands, for relief—Mr. Larue,	233
Of inhabitants of Cass county, relative to the abolition of certain township offices—Mr. Redfield,	233
Of inhabitants of Saginaw county, for the organization of a new township—Mr. Hawley,	238
Of citizens of the state, that the state purchase the railroad from Monroe to Brest—Mr. Tyler,	238, 249
Of citizens of Branch and St. Joseph counties, relative to the flowing of lands by mill ponds—Mr. Tyler,	238
Of Richard P. Parker and others, for a reduction of the price of university and school lands—Mr. Larue,	245
Of Dewitt Shoemaker and others, of Kent county, for the alteration of a certain state road—Mr. Walker,	245
Of inhabitants of Shiawassee county, relative to a certain mill dam in that county—Mr. Castle,	252, 253
Of inhabitants of Lenawee county, for the appointment of commissioners to lay out a state road—Mr. Daniels,	253
Of inhabitants of Calhoun and Jackson counties, for a state road—Mr. M. Spencer,	260
Of Eli Curtis, in relation to the circuit court of Oakland county—Mr. Harding,	260
Of inhabitants of Berrien county, for a reduction of the price of university and school lands—Mr. Larue,	261
Of inhabitants of Port Mason, Ontwa and Milton, in the county of Cass, for an alteration in the boundaries of said towns—Mr. Redfield,	265
Of inhabitants of Barry county, for an organization of a new township—Mr. Barlow,	266
Of inhabitants of Blissfield, Lenawee county, for an alteration in the constitution of the state—Mr. Speaker,	266
Of the officers of the bank of Adrian, relative to taxation of banks—Mr. Daniels,	276, 277
Of inhabitants of Lawrence, Van Buren county, for the organization of a township—Mr. Speaker,	285
Of inhabitants of Ann Arbor, Washtenaw county, for the passage of the "two thirds bill"—Mr. Pierce,	285
Of three hundred and forty inhabitants of Washtenaw county, for the same object—Mr. Rogers,	289

PETITIONS.

721

Page.

Of sundry inhabitants of the state, for the same object— Mr. Stockton,	292, 300
Of inhabitants of Lenawee county, for the passage of the “two thirds bill”—Mr. Stockton,	304
Of inhabitants of Oakland county, for the passage of the “two thirds bill”—Mr. Stockton,	810
Of inhabitants of Monroe, for the same object—Mr. Smith,	823
Of inhabitants of Washtenaw county, for the same ob- ject—Mr. Pierce,	831
Of inhabitants of the same county, for the same object —Mr. Hammond,	331
Of inhabitants of Jackson county, for the same object— Mr. Hawley,	331, 425
Of inhabitants of Marshall, Calhoun county, asking for the same object—Mr. Olin,	377
Of inhabitants of Monroe county, for the same object— Mr. Russell,	425
Of inhabitants of Oakland county, for the same object— Mr. Richardson,	425
Of inhabitants of Washtenaw county, for the same ob- ject—Mr. Geddes,	425
Of inhabitants of Calhoun county, for the same object— Mr. M. Spencer,	425
Of inhabitants of Lenawee county, for the same object— Mr. Sprague,	425
Of Louis Rendt, relative to the emigration of Germans to the United States—Mr. Porter,	287
Of Darius Comstock and others, of Lenawee county, to give fugitive slaves the right of trial by jury—Mr. Speaker,	289
Of inhabitants of Lenawee county, for the abolishment of the office of county commissioner—Mr. Daniels,	289
Of inhabitants of Kent and Barry counties, for the in- corporation of a company to improve the Thorn- apple river—Mr. Barlow,	289
Of inhabitants of Adrian, to incorporate the “Adrian church association—Mr. Wilcox,	289
Of inhabitants of Shiawassee and Clinton counties, for the organization of a township—Mr. Castle,	292
Of inhabitants of St. Joseph county, for a law granting a further suspension to the banks—Mr. Tyler,	292
Of inhabitants of Allegan county, for the abolishment of the office of county commissioner—Mr. Barlow,	292
Of inhabitants of Hillsdale county, relative to an exten- sion of the Southern railroad—Mr. Pierce,	298

	Page.
Of inhabitants of Rollin, Lenawee county, for a state road—Mr. Daniels,	299
Of inhabitants of Ingham county, that Daniel Lockwood may be authorized to build a dam across the Grand river—Mr. Pierce,	299
Of the inhabitants of Michigan, for an appropriation upon the Saginaw canal—Mr. Castle,	299
Of inhabitants of Livingston county, for the abolition of the office of county commissioner—Mr. Bush,	299
Of inhabitants of Pontiac, Oakland county, for measures to preserve the currency of the state—Mr. Humphrey,	299
Of inhabitants of Lenawee county, for a reduction of the price of university and school lands—Mr. Sprague,	298—
Of inhabitants of Hillsdale county, for a reduction of the price of school lands—Mr. Willits,	300—
Of inhabitants of Dearborn, Wayne county, for an alteration of the boundary line of that town—Mr. Wilcox,	303
Of inhabitants of the town of Ecorce, on the same subject—Mr. Biddle,	304
Of inhabitants of St. Joseph county, of both political parties, for a further suspension to the banks—Mr. Tyler,	304
Of N. Bacon and others, for relief to Frederick F. Perkins, a purchaser of university lands—Mr. Larue,	304—
Of inhabitants of St. Joseph county, for a reduction of the price of university and school lands—Mr. Tyler,	304—
Of inhabitants of Shiawassee county, that A. L. and B. O. Williams, may be compelled to comply with a certain law—Mr. Castle,	304
Of inhabitants of Hillsdale county, for the alteration of a certain state road—Mr. Willits,	309
Of inhabitants of Macomb county, that deputy sheriffs may be prohibited from serving justices' process—Mr. Porter,	309
Of inhabitants of Clinton and Ionia counties, relative to the destruction of wolves—Mr. Castle,	310
Of inhabitants of Oakland, relative to banks—Mr. Coates,	314
Of inhabitants of Jackson county, for a reduction of the price of university and school lands—Mr. Copeland,	322—
Of inhabitants of Oakland, for a change in the judiciary system—Mr. Richardson,	323
Of inhabitants of Marengo, Calhoun county, for a state road—Mr. M. Spencer,	335

PETITIONS.

723

Page.

Of inhabitants of Lapeer county, that sheriffs and their deputies may be prohibited from serving justices' process—Mr. Lamb,	335
Of inhabitants of Plymouth, Wayne county, that aid be granted to the banks—Mr. Root,	336
Of inhabitants of Oakland, for the same object—Mr. Clark,	336
Of inhabitants of Monroe, for the same object—Mr. Humphrey,	336
Of inhabitants of Oakland, for the same object—Mr. G. Spencer,	336
Of inhabitants of Oakland, for a change in the judicial system—Mr. Richardson,	341
Of citizens of Monroe county, relative to the university and school lands—Mr. Humphrey,	341
Of the supervisor and clerk of the township of Chester, Eaton county, for a legalization of certain acts—Mr. Barlow,	350
Of inhabitants of Caledonia, Shiawassee county, for an alteration of a certain township line—Mr. Castle,	350
Of inhabitants of Plymouth, Wayne county, that aid may be extended to the banks—Mr. Root,	355
Of inhabitants of Calhoun county, that all necessary wearing apparel may be exempt from execution—Mr. Olin,	355
Of Niles, Gilbert & Co., relative to the Clinton and Kalamazoo canal—Mr. Stockton,	355
Of inhabitants of Pinckney, Calhoun county, that the name of that town may be changed—Mr. Olin,	355
Of certain witnesses before an investigating committee of the legislature of 1840—Mr. Humphrey,	355
Of inhabitants of Livingston county, relative to moneys paid road commissioners—Mr. Bush,	366
Of inhabitants of Saline, Washtenaw county, for the passage of a certain act—Mr. Renwick,	366
Of citizens of Allegan, relative to the apportionment of representatives—Mr. Barlow,	366, 415
Of James Vanderbelt, for power to convey certain lands—Mr. G. Spencer,	377
Of Addison Robinson and others, for the same object—Mr. Bingham,	389
Of James Alexander, of Franklin, Lenawee county, for relief—Mr. Wilcox,	389
Of inhabitants of Brest, Monroe county, that that village be set off from the township of Ash,	389, 434
Of inhabitants of Jackson, of both political parties, for the granting of a further suspension by the banks—Mr. Copeland,	389

	Page.
Of sundry militia officers of same county, relative to military reviews—Mr. Copeland,	389
Of inhabitants of Franklin, Lenawee county, for a reduction of the price of university and school lands—Mr. Wilcox,	389
Of inhabitants of Adrian, Lenawee county, relative to the location of the Southern railroad—Mr. Daniels,	389
Of citizens of Lima, Washtenaw county, relative to the flowing of lands by mill ponds—Mr. Pierce,	396
Of Daniel Webber, for relief—Mr. Larue,	406
Of inhabitants of Lapeer county, relative to the sale of ardent spirits—Mr. Lamb,	413
Of inhabitants of same county, that power be granted to William H. Griswold to sell certain lands—Mr. Lamb,	414
Of William Fowler, relative to certain contracts on the Southern railroad—Mr. Humphrey,	414
Of inhabitants of Washtenaw county, that measures be adopted to protect the currency of the state—Mr. Pierce,	414
Of inhabitants of Brownstown, Wayne county, for the abolishment of the office of county commissioner—Mr. Biddle,	425
Of inhabitants of Oakland county, for the repeal of all laws for the collection of debts after the 1st of next May—Mr. Clark,	425
Of inhabitants of Dearborn, Wayne county, asking for the same privileges as may be extended to the banks—Mr. Coates,	426
Of inhabitants of Shiawassee county, that aid be granted to the banks—Mr. Speaker,	433
Of W. H. Keeler, of Van Buren county, for the revival of a certain act—Mr. Redfield,	434
Of inhabitants of Monroe, Lenawee and Hillsdale counties, relative to the Southern railroad—Mr. Speaker,	443
Of Mark Norris, of Ypsilanti, to lease the Central railroad—Mr. G. Spencer,	443
Of inhabitants of Detroit, relative to the charter of said city—Mr. Biddle,	452
Of Ira Durrin and others, inhabitants of Washtenaw county, for a repeal of the law for the abolishment of imprisonment for debt—Mr. Pierce,	452
Of inhabitants of Calhoun county, urging the passage of the "exemption bill"—Mr. Olin,	452
Of inhabitants of Livingston county, for a law exempting them from suits in justices' courts—Mr. Bingham,	459

REMONSTRANCES. 725

	Page.
Of the officers of the bank of St. Clair, relative to certain taxes assessed upon said bank—Mr. Harding,	468
Of inhabitants of Washtenaw county, for the completion of the Central railroad to Dexter—Mr. Pierce,	478
Of William Ford & Son, relative to a certain contract—Mr. Hawley,	499
Of inhabitants of Lapeer, on the subject of delinquent taxes—Mr. Speaker,	506
Of inhabitants of Monroe, for the completion of the Southern railroad to La Plaisance bay—Mr. Smith,	515
Of inhabitants of Lapeer county, relative to the payment of non-resident taxes—Mr. Hammond,	528
Of Robert McClelland and other inhabitants of the state, for a law authorizing the establishment of a race course—Mr. Smith,	549
Of inhabitants of Washtenaw county, relative to the five million loan—Mr. Bingham,	549
Of inhabitants of Detroit, relative to the charter of that city—Mr. Biddle,	576
Of inhabitants of Calhoun county, for an amendment of the "two-thirds bill"—Mr. M. Spencer,	622
Of a meeting of the citizens of Detroit, relative to the charter of that city—Mr. Gillett,	647, 648
Of Allen Smith, relative to the portrait of Stevens T. Mason, hanging in the hall of the House of Representatives—Mr. Brown,	686

REMONSTRANCES.

Of citizens of Ross and Charlestown, Kalamazoo county, against an alteration of the boundaries of said townships—Mr. J. Miller,	81, 230
Of citizens of Branch county, against a division of the town of Bronson—Mr. Hammond,	91
Of inhabitants of Macon, Lenawee county, against a division of said township—Mr. Sprague,	142, 196
Of inhabitants of St. Clair county, against a removal of the county seat of that county—Mr. Porter,	142, 143, 350
Of citizens of Shiawassee county, against the removal of a certain tax to Clinton county—Mr. Castle,	170
Of inhabitants of Oakland county, against a further suspension of specie payments by the banks,	202, 216, 233
Of inhabitants of Calhoun county, against any further suspension by the banks—Mr. Olin,	233
Of inhabitants of Grass Lake, Jackson county, against a division of said township—Mr. Copeland,	245

	Page.
Of inhabitants of Warren, Macomb county, against a division of said town—Mr. Leech,	253
Of one hundred and two citizens of Michigan, against the passage of the "two-thirds bill"—Mr. Hammond,	260
Of citizens of Ypsilanti, against the same—Mr. G. Spencer,	292
Of citizens of Pontiac, against loaning the bonds of the state to the banks—Mr. Coates,	299
Of the citizens of Washtenaw county, against the passage of the "two-thirds bill"—Mr. G. Spencer,	300
Of inhabitants of Calhoun county, against the laying out of a certain state road—Mr. M. Spencer,	304
Of Sanford Clark, and others, of Shiawassee county, against the laying out of a certain state road—Mr. Castle,	304
Of inhabitants of Ontwa, Cass county, against a division of said township—Mr. Strong,	266
Of inhabitants of Carmel, Eaton county, against a division of said town—Mr. Barlow,	266
Of inhabitants of Howell, Livingston county, against a further suspension of the banks—Mr. Bush,	266
Of D. K. Underwood, and others, merchants of Adrian, Lenawee county, against the passage of the "two-thirds bill"—Mr. Speaker,	309
Of inhabitants of Oakland, against loaning the credit of the state to the banks—Mr. Coates,	314
Of inhabitants of the state, against granting a further suspension to the banks—Mr. Curtis,	314
Of the inhabitants of Plymouth, against the passage of the "two-thirds bill"—Mr. Renwick,	323
Of inhabitants of Dearborn, Wayne county, against the same—Mr. Mather,	323
Of inhabitants of Oakland county, against the same—Mr. Lamb,	336
Of inhabitants of Oakland county, against a further suspension by the banks—Mr. Coates,	355
Of inhabitants of Brest, Monroe county, against a division of said township—Mr. Smith,	389, 414
Of inhabitants of Adrian, Lenawee county, against altering the route of the Southern railroad—Mr. Speaker,	406, 414, 434
Of inhabitants of Ann Arbor, Washtenaw county, against the passage of the bill relative to bank receivers—Mr. G. Spencer,	414
Of inhabitants of Dexter, Washtenaw county, against the passage of the "two-thirds bill"—Mr. Pierce,	425

CLAIMS.

727

Page.

Of inhabitants of Ann Arbor, Washtenaw county, against the same—Mr. Geddes,	425
Of inhabitants of Plymouth, Wayne county, against the same—Mr. Root,	425
Of inhabitants of Lenawee county, against the same—Mr. Sprague,	425

CLAIMS.

Of Richard Butler, for services under the "Act to provide for the sale of certain lands to the settlers thereon"—Mr. Stockton,	39
Of Josiah Snow, Snow & Fisk, and James A. Van-Dyke—Mr. Harding,	48
Of G. W. Jermain, for services under the "Act to provide for the sale of certain lands to the settlers thereon"—Mr. Daniels,	48
Of C. N. Ormsby, for services under the same act—Mr. Renwick,	63, 528
Of Samuel Clements, for certain military services—Mr. Pierce,	68
Of A. Coquillard, for services rendered the state—Mr. Hammond,	68
Of James Sanders, for articles furnished the supreme court—Mr. G. Spencer,	68
Of William H. Wells, for stoves for the House of Representatives—Mr. Hammond,	81
Of C. W. Hunt, as door keeper, <i>pro tempore</i> —Mr. Daniels,	81
Of Messrs. Denton & Hovey, for publishing official canvass—Mr. Philbrick,	81, 158
Of Daniel Munger, for advertising adjutant general's orders—Mr. Metcalf,	86
Of Wilson Ferris, for brick furnished the state prison—Mr. Hawley,	91
Of sundry persons, for services rendered the state—Mr. Stockton,	99
Of Peter B. Johnson, for sundries furnished the state—Mr. Smith,	99, 100
Of E. P. Drake, for advertising for the state—Mr. Renwick,	107, 158
Of H. E. Perry, for repairs done to the capitol—Mr. Hammond,	112
Of C. P. Holmes & Co., for services rendered the state—Mr. Harding,	127
Of Robert Abbott, for services as auditor general—Mr. Speaker,	132, 133

	Page.
Of Mathew Fallahue, for labor done on state prison— Mr. Hawley,	152
Of Daniel Harrington, for labor done on the North- ern railroad—Mr. Porter,	157
Of P. K. Adams, for certain services rendered the state —Mr. Wilcox,	180
Of Anthony TenEyck, for sand furnished state prison— Mr. Larue,	185
Of Henry E. Perry, for materials furnished the state, &c.,—Mr. Larue,	196
Of A. M. Gould, for services and certain expenses as clerk of the supreme court of the second circuit— Mr. Renwick,	201
Of the same, for services rendered as brigade inspector, for the third brigade—Mr. Renwick,	201
Of John Prentiss, for certain services—Mr. Pierce,	206
Of C. M. D. Bull, for services rendered the committee on internal improvement—Mr. Metcalf,	206
Of G. W. Howe, for services rendered the state; also, of Alexander H. Newbould, for articles furnished the state prison—Mr. Harding,	217
Of the estate of V. B. Schuyler, for stationery—Mr. Brown,	217
Of Jonathan Kearsley, for services as commissioner to settle with the state bank—Mr. Biddle,	220
Of Thomas Hall, and of Williams & Cole, for services rendered the state—Mr. Geddes,	220
Of J. H. Titus, for services rendered the state—Mr. Harding,	220
Of Peter P. Ferry, two several claims—Mr. Ham- mond,	224
Of J. H. Titus, for labor done on the state prison—Mr. Harding,	224
Of Samuel Cowles, for labor done on the state prison— Mr. Harding,	230
Of J. M. Chase, for services rendered in the auditor general's office—Mr. Olin,	234
Of William H. Edwards, for services as sergeant-at- arms of the House of Representatives—Mr. Castle,	234
Of Hicks & Co., for railroad iron—Mr. G. Spencer,	238
Of John Odell, for fencing Central railroad—Mr. Haw- ley,	238
Of George Davis and Mark Norris, for services rendered the state—Mr. G. Spencer,	238
Of J. S. & S. A. Bagg, for stationery furnished the state prison—Mr. Harding,	238
Of Orville B. Dibble—Mr. Harding,	245

CLAIMS.

729

Page.

Of the Phoenix bank, of New York, for advances made the state,	
Of F. Joy & Co., of Buffalo, for transportation of railroad iron,	
Of J. Delafield, of New York, for agency, &c.—Mr. Harding,	245
Of Chester Bennett, for materials furnished the state prison at Jackson—Mr. Hawley,	266
Of John Monroe, for services rendered the state—Mr. Pierce,	277
Of the River Raisin and Lake Erie railroad company—Mr. Smith,	277
Of J. S. Bond, for attendance on a committee of the House of Representatives, in 1839—Mr. Stockton,	300
Of Lewis Hall, for services rendered the state—Mr. Cook,	300
Of Theodore Bathy, for work done on the Northern railroad—Mr. Porter,	304
Of I. C. Stephens, for services rendered the state in 1837—Mr. Harding,	304
Of W. H. Wilder, for services as assistant engineer on the Clinton and Kalamazoo canal—Mr. Wood,	304
Of Samuel Trudell, for translating the governor's message into French—Mr. Biddle,	310
Of Baldwin & Kimball, for materials furnished the state prison—Mr. Hawley,	328
Of Aymar & Shaw, for stationery—Mr. Pierce,	336
Of the Washtenaw guards—Mr. Geddes,	366
Of Alvin T. Crosman, as brigade inspector—Mr. Pierce,	366
Of Gordon Case, for materials furnished in the building of the state prison—Mr. Hawley,	389
Of James Murphy, for damages sustained by a contract on the Southern railroad—Mr. Humphrey,	396
Of H. Southwick and H. V. Studiford—Mr. Humphrey,	413
Of A. S. Bagg, for stationery—Mr. Harding,	426
Of John Chamberlain—Mr. Gillett,	434
Of Oliver Newberry, for an iron safe—Mr. Harding,	484
Of Charles Lum, for articles furnished the state—Mr. Harding,	444
Of George W. Winslow, for wood furnished the court of chancery—Mr. Brown,	444
Of R. Gillett, (by himself,) for articles furnished the House of Representatives,	444
Of Peter Morey, attorney general, for postage—Mr. Harding,	452
Of the clerk of the supreme court for the fourth circuit, for stationery furnished by him—Mr. Bingham,	468

	Page
Of Mason Palmer and Z. Chandler, for articles furnished the committee on supplies—Mr. Gillett,	468
Of J. S. & S. A. Bagg—Mr. Harding,	478
Of William B. Hunt, for services rendered the state—Mr. Dolsen,	478
Of J. S. Bond, for services rendered the state—Mr. Humphrey,	484
Of Samuel H. Kimball, for services rendered the state—Mr. Hawley,	499
Of E. Bingham and others—Mr. Harding,	508
Of Alexander D. Fraser, for professional services—Mr. Harding,	528
Of William Cole, for repairs done to the capital—Mr. Geddes,	549
Of Frederick Borchardt, for translating the governor's message—Mr. Harding,	554
Of John Gibson, for disbursements for the state—Mr. Harding,	554
Of the Detroit post office, for postage—Mr. Larue,	555
Of E. Corning & Co., for railroad, spike furnished the Central railroad—Mr. Larue,	555
Of Thomas Mosely, for stationery furnished the supreme court—Mr. G. Spencer,	558
Of Daniel Thompson, for wood furnished the court of chancery—Mr. Harding,	585
Of Daniel Merritt, administrator, &c., for services rendered in the Toledo war,	587
Of T. S. Wendell, for use of steamboat Macomb,	587
Of J. S. Jenness & Co., for articles furnished the legislature—Mr. Gillett,	587
Of J. Eldred & Co., against the Central railroad—Mr. Geddes,	587
Of L. H. Trask, for attendance on board of canvassers of sixth senatorial district—Mr. Brown,	587
Of Josiah Snow, for newspapers furnished the House of representatives—Mr. Speaker,	587
Of Dawson & Bates, for printing—Mr. Harding,	614
Of George Coombs, keeper of the capitol—Mr. Castle,	630
Of J. W. Talbot, for services rendered the state—Mr. Metcalf,	630
Of Sidney L. Rood, for stationery—Mr. Gillett,	630
Of Alfred G. Bates, for certain services rendered the state—Mr. Humphrey,	640
Of William S. Driggs, for services in the executive office—Mr. Stockton,	646
Of A. S. Bagg, for stationery—Mr. Coates,	646

RESOLUTIONS.

731

	Page.
Of the clerk of the supreme court of the fourth circuit, for office rent—Mr. Bingham,	669
Of W. Davis, sergeant-at-arms for disbursements for the House of Representatives—Mr. Brown,	669

RESOLUTIONS.

Resolution instructing secretary of state to furnish the members with one copy of laws and journals of the last session—Mr. Renwick,	6
Directing the appointment of a committee to change the mode of warming the hall—Mr. Hammond,	7
Inviting the clergymen of the city of Detroit, to officiate —Mr. Richardson,	7
Directing the clerk to order newspapers for the mem- bers—Mr. Walker,	7, 8
Directing the clerk to procure the printing for the ses- sion at the office of the Free Press, on certain con- ditions—Mr. Hammond,	8
Directing the appointment of a select committee to re- ceive proposals for doing the printing, with power to contract for the same—Mr. Richardson,	9
Directing the appointment of a committee to inquire into the expediency of reducing the pay of members to one dollar per day—Mr. Smith,	10
Directing the clerk to ascertain from the state printer, the price at which he is willing to do the public printing—Mr. Larue,	10, 11, 79
Authorizing the speaker to appoint messengers, and the clerk to make post office arrangements, Mr. Smith,	26
Requiring the door keeper to build fires, &c.—Mr. Bush,	27
Appointing a committee to inform the Senate of the or- ganization of the House—Mr. Porter,	27
Appointing a committee on supplies—Mr. Curtis,	27
Appointing a committee to act with Senate committee, in informing the governor that the two houses were organized, &c.,—Mr. Hammond,	27
Athorizing the clerk to contract for the printing on cer- tain conditions—Mr. G. Spencer,	28, 29, 30, 31, 79
Requiring the governor's message to be translated into the French and German languages, &c.—Mr. Harding,	31
Directing the report of the board of county canvassers of Wayne county to be entered on the journals— Mr. G. Spencer,	40, 41, 42, 43

	Page.
Directing the committee on supplies to procure a new flag for the use of the capitol—Mr. Metcalf,	44
Directing the clerk to give certain information to the clergymen of the city of Detroit—Mr. Curtis,	47
Directing the appointment of a committee to consider and amend the joint rules—Mr. Biddle,	52, 73
Directing the secretary of state to furnish the members with a copy of the revised statutes, &c.—Mr. Coates,	52
Directing the attorney general to report his action under the joint resolution of the 29th January, 1838, relative to the Huron river bridge—Mr. Smith,	52, 53
Instructing the judiciary committee to inquire as to the compensation of township collectors—Mr. Brown,	53
Directing the committee on supplies to have the hall cleansed and the carpet cleaned—Mr. G. Spencer,	54
Directing the appointment of a committee to consider all petitions relating to the university and state lands—Mr. Larue,	63
Directing the clerk to contract with the postmaster of the city of Detroit in relation to the postage of the members—Mr. Porter,	63
Requesting information from the auditor general relative to the \$5,000,000 loan—Mr. Bingham,	63
Directing the appointment of a committee to consider that portion of the governor's message relative to apportionment—Mr. Renwick,	63
Requesting information from the state treasurer, relative to bonds issued by the fund commissioners—Mr. Bingham,	64
Instructing the judiciary committee relative to the laws regulating the foreclosure of mortgages—Mr. Philbrick,	64
Granting permission to the committee on elections to sit during the session of the House—Mr. Metcalf,	64
Instructing the judiciary committee relative to issuing justice's executions against real estate—Mr. Brown,	64
Directing the sergeant-at-arms to receive and take charge of the printed documents of the House—Mr. Coates,	65, 76
Referring to the committee on education, the report of the acting superintendent of Indian affairs for Michigan—Mr. Hammond,	67
Referring certain portions of the governor's message—Mr. Renwick,	69
Referring a certain act of the last legislature to the committee on towns and counties—Mr. Biddle,	70

RESOLUTIONS.

733

Page.

- Requesting the auditor general to report what measures had been taken to secure the sum due from the Morris canal company—Mr. Metcalf, 70, 76
- Requesting information from the commissioner of internal improvement, respecting the number of free passengers that have passed over the Central railroad—Mr. Bingham, 70
- Directing the appointment of a committee to ascertain whether Levi E. Dolsen, &c., is not a subject of the queen of Great Britain—Mr. Bush, 70, 71
- Directing a correction of the journal in relation to the report of the board of county canvassers of Wayne county—Mr. Hammond, 71, 72, 73
- Referring to the committee on the judiciary that portion of the governor's message, as relates to Indian affairs, &c.—Mr. Walker, 76
- Requesting the governor to transmit to the House, the report of the select committee of the legislature of 1840, appointed to investigate the affairs of the several boards of internal improvement—Mr. Metcalf, 76
- Directing the judiciary committee to inquire into the expediency of a law for the appraisal and setting off of real estate to plaintiffs in execution—Mr. Richardson, 76, 77
- Directing the committee on ways and means to inquire as to the propriety of biennial sessions of the legislature—Mr. Richardson, 77
- Directing the judiciary committee to inquire into the propriety of organizing a new court for the purpose of deciding questions of law—Mr. Clark, 77
- Directing the same committee to inquire into the propriety of reducing the fees of registers of deeds and of county clerks—Mr. Clark, 77
- Directing the same committee to inquire whether any alterations are necessary in the replevin law—Mr. Harding, 77
- Directing the same committee to inquire into the propriety of authorizing justices of the peace to issue writs of replevin—Mr. Curtis, 77
- Directing the same committee to inquire into the propriety of amending the fee bill and of allowing town clerks to grant licenses—Mr. Strong, 78
- Directing the committee on towns and counties to inquire into the propriety of permanently establishing township lines—Mr. Strong, 78
- Directing the committee on the judiciary to inquire

	Page.
whether the provisions of a certain bill cannot be made applicable to the banks—Mr. Bingham,	78
Directing the clerk to communicate to the House, the reply he has received from the state printer respecting the price for which he will do the public printing—Mr. Bingham,	79
Directing the clerk to communicate to the House, with whom he had contracted to do the printing for the House—Mr. Bingham,	79
Directing the judiciary committee to inquire into the expediency of so amending the constitution as to hold general elections on one day only—Mr. Strong,	83
Directing the same committee to inquire into the expediency of relieving counties from taxation for the payment of petit jurors—Mr. Strong,	83
Directing the committee of ways and means to inquire into the propriety of extending the time for the collection of the taxes of 1840—Mr. Smith,	83
Directing the clerk to preserve a copy of each printed bill of the House, and have the same bound at the close of the session—Mr. Harding,	83, 90
Requesting information from the executive relative to certain expenditures from the contingent fund—Mr. Russell,	83, 84
Relative to a suspension of specie payments by the banks—Mr. Bingham,	88, 89, 92, 93, 94, 95
Directing the appointment of a committee to furnish names to the state geologist for all the surveyed townships in the state—Mr. Wilcox,	89
Requesting the commissioners appointed to settle with the State bank, to report—Mr. Metcalf,	90, 91
Requesting the committee on the joint rules, to report—Mr. Strong,	91
Directing the committee on roads and bridges, to inquire into the expediency of abolishing the office of road commissioners—Mr. G. Spencer,	92
Directing the committee on the judiciary, to ascertain in whom the title to the capitol is vested—Mr. Smith,	92
Directing the auditor general to report what progress has been made under the act approved April 12, 1839—Mr. Smith,	97
Directing the board of internal improvement to communicate the estimated cost for the construction of certain works—Mr. Metcalf,	102
Requesting the auditor general to communicate the resources of the treasury—Mr. G. Spencer,	102, 103

RESOLUTIONS.

735

Page.

- Directing the committee on banks and incorporations, to inquire whether the Michigan insurance company exercises banking powers, &c.—Mr. Bingham, 103
- Directing the judiciary committee to inquire whether any alterations are necessary in the "Act to provide for the voluntary dissolution of corporations," &c.—Mr. Daniels, 103
- Directing the committee on towns and counties, to inquire into the expediency of electing township assessors once in every three years—Mr. Lamb, 103
- Granting to Jeremiah Riggs and Hiram L. Miller, mileage and per diem allowance—Mr. Biddle, 105, 111
- Requesting the board of internal improvement to communicate certain information respecting persons employed by said board—Mr. Hammond, 105
- Requesting information from the auditor general as to what sums of money have been paid to the special committee of investigation, appointed by the legislature of 1840—Mr. Coates, 108, 109
- Requesting the committee on university and school lands to report within one week; on certain petitions referred to that committee—Mr. Hammond, 109
- Requesting the board of internal improvement to communicate certain information relative to the Detroit and Pontiac railroad company—Mr. Metcalf, 109
- Authorizing the committee on internal improvement to employ a clerk for a certain purpose—Mr. Metcalf, 109, 113
- Directing the judiciary committee to inquire into the expediency of so amending the revised statutes as to require the office of judge of probate to be holden at the county seat—Mr. Renwick, 109
- Directing the committee on banks and incorporations to ascertain the best method of investigating the affairs of the Lake Erie and River Raisin railroad company—Mr. Daniels, 109
- Relative to the contested election in Wayne county—Mr. Biddle, 110
- Directing the judiciary committee to inquire into the expediency of repealing the "Act for the relief of the bank of St. Clair"—Mr. Porter, 114
- Directing the committee on the militia to inquire into the expediency of amending the forty-fifth section of the militia law—Mr. Dolsen, 114
- Directing the committee on banks and incorporations to inquire into the expediency of chartering a state bank—Mr. Rogers, 114

	Page.
Directing the committee of ways and means to inquire into the cost of public printing for certain years— Mr. Walker,	130, 131
Directing the committee on agriculture to inquire into the expediency of granting a premium on wool— Mr. Cook,	131
Proposing an amendment to the eighteenth rule—Mr. Bingham,	131
Proposing two sessions each day—Mr. Cook,	131
Directing the clerk to furnish the members with one copy of the "red book"—Mr. Hammond,	139, 140
Directing the committee on the judiciary to inquire into the expediency of amending part one, title two, chapter six of the revised statutes—Mr. Castle,	145
Directing the same committee to inquire into the expediency of amending the law relative to the recording of conveyances—Mr. G. Spencer,	145
Proposing to amend the twentieth rule—Mr. Hammond,	145, 239, 241
Relative to the Michigan insurance company—Mr. Smith,	152, 219, 236
Directing the committee on the judiciary to inquire into the expediency of abolishing certain township offices—Mr. Strong,	153
Requesting the commissioners appointed to settle with the state bank, to report—Mr. Coates,	153, 183
Directing the committee on elections to inquire into the expediency of further providing for the greater security of the ballot box—Mr. Strong,	157
Fixing on the first Tuesday of February for the election of United States senator—Mr. G. Spencer,	158
Directing the judiciary committee to inquire into the expediency of securing the proper disposition of moneys that may come into the hands of overseers of highways—Mr. Walker,	161
Directing the judiciary committee to inquire into the propriety of exempting certain property from taxation—Mr. Hammond,	168, 178
Directing the board of appraisers on the public works, to report—Mr. Geddes,	168, 234
Directing the judiciary committee to inquire into the propriety of exempting certain property from execution—Mr. Harding,	168
Directing the clerk to order one daily paper for the use of the state library—Mr. Renwick,	168
Directing the committee on elections to report on the case of Levi E. Dolsen—Mr. Hammond,	177

RESOLUTIONS.

• 787

Page.

- Directing the committee on the judiciary to inquire into the expediency of amending the law relative to the conveyance of real estate, lying within this state, executed in foreign countries—Mr. Walker, 177
- Requesting the superintendent of public instruction to communicate the amount and character of the moneys loaned by him from the university and school funds—Mr. Walker, 177 —
- Directing the appointment of a committee to inquire into the constitutionality of issuing state scrip—Mr. Metcalf, 180
- Directing the committee of ways and means to ascertain how much money has been paid by agents of this state, for insurance—Mr. Clark, 180
- Directing the judiciary committee to inquire into the expediency of abolishing or altering the "Act to abolish imprisonment for debt, and to punish fraudulent debtors"—Mr. Hawley, 180
- Directing the same committee to inquire into the propriety of altering the law relative to the issuing of writs of attachment, &c.—Mr. Hawley, 180, 181
- Directing the judiciary committee to inquire into the expediency of extending the time for winding up the affairs of banking and other incorporations—Mr. Daniels, 184
- Requesting the auditor general to furnish a condensed statement of the receipts and expenses of the government for certain years—Mr. Coates, 187, 197, 203
- Directing the topographical department to furnish each member with a map of this state—Mr. Porter, 188
- Empowering the committee on banks and incorporations to send for persons and papers, in a certain case—Mr. Barlow, 209
- Directing the committee on ways and means to inquire into the propriety of abolishing certain specific state taxes—Mr. Harding, 210
- Requesting the state treasurer to communicate to the House, whether the banks have regularly paid the specific tax imposed upon them—Mr. G. Spencer, 213
- 308.
- Requesting the committee on internal improvements, to report—Mr. Larue, 218
- Requesting the board of internal improvement to furnish certain information relative to the persons employed on the Clinton canal—Mr. Stockton, 221, 222
- Directing the committee on manufactures to inquire into

	Page.
the expediency of encouraging the manufacture of linen, &c.—Mr. Strong,	222
Proposing two sessions each day—Mr. Walker,	228, 251
Censuring the auditor general for allowing and paying certain accounts—Mr. Bingham,	228
Requesting the opinion of the attorney general, as to the legality of certain payments made by the auditor general—Mr. Hammond,	229, 236
Directing the judiciary committee to inquire into and report the most efficient mode of inducing the attorney general to obey a certain resolution—Mr. Smith,	229
Requesting the attorney general to state the character of the securities furnished to the state by the Detroit and Pontiac railroad company—Mr. M. Spencer,	231
Requesting the acting commissioner of internal improvement to obtain certain information from R. M. Morrison—Mr. Metcalf,	239, 257
Directing the appointment of a committee to investigate the affairs of the bank of Michigan and of the Farmers' and Mechanics' bank of the city of Detroit—Mr. Strong,	239, 240
Directing the secretary of state to distribute among the members of the legislature, the report of the committee appointed to investigate the affairs of the several boards of internal improvement—Mr. Coates,	240, 252, 258, 332, 333
Requesting the commissioners under the "Act to provide for the sale of certain lands to the settlers thereon, &c.," to make a supplemental report—Mr. Larue,	240
Directing the judiciary committee to report upon the propriety of repealing a certain "Act relative to the bank of St. Clair"—Mr. Porter,	249, 250
Directing the committee on banks and incorporations to make certain inquiries relative to the Lake Erie and River Raisin railroad company—Mr. Hammond,	255, 263
Directing the committee on elections to inquire into the propriety of amending the election law—Mr. Geddes,	256
Directing the select committee appointed to investigate the banks, to inquire into the condition of the branch bank of Michigan, at Kalamazoo—Mr. Metcalf,	256
Requesting information from the auditor general, as to the sufficiency of his power to settle with the late	

RESOLUTIONS.

739

Page.

commissioners of internal improvement—Mr. Walker,	257
Requesting the superintendent of public instruction to communicate what counties have refused to pay the interest on moneys loaned them from the school fund—Mr. Walker,	257
Directing the committee on the judiciary to examine a certain deed of conveyance—Mr. Hammond,	258
Referring the report of the commissioners to settle with the State bank—Mr. Hammond,	263
Directing the committee on roads and bridges to inquire into the propriety of amending the laws relative to the duties of highway commissioners—Mr. Lamb,	263, 264
Directing the committee on the judiciary to inquire whether any legislation is necessary relative to the recording, &c., of village plats—Mr. Porter,	267
Directing the commissioners under the "Act to provide for a settlement with the Lake Erie and River Raisin railroad company," to report—Mr. Daniels,	278
Directing the committee on the judiciary to inquire whether any legislation is necessary relative to filling vacancies in the office of judge of probate—Mr. Stockton,	278
Directing the judiciary committee to inquire into the expediency of amending section nine, chapter seven, title two, part three of the revised statutes—Mr. Humphrey,	286
Referring the communication of Louis Rendt to the committee on ways and means—Mr. Porter,	288
Proposing to discharge the select committee on banks from any further investigation of the Farmers' and Mechanics' bank, of Detroit—Mr. Hammond,	295, 302
Requesting the commissioners of internal improvement to report the name of the receiver of tolls at Detroit—Mr. Smith,	295
Allowing Lemuel Goodell and associates, claimants to seats from the county of Wayne, the per diem allowance, &c., of members of the legislature—Mr. Biddle,	301
Requesting the state printer to submit the items of his account—Mr. Bush,	301
Directing the committee on the judiciary to inquire into the propriety of repealing section twenty-seven, chapter three, title three, part first of the revised statutes—Mr. Leech,	302
Directing the committee on ways and means to inquire into the propriety of remitting the state tax for the county of Chippewa—Mr. Wood,	302

	Page.
Directing the committee on the judiciary to inquire into the expediency of amending the law, so as to permit the clerks of the circuit courts to assess damages in cases of default—Mr. Richardson,	303
Fixing the time of the meeting of the House at nine o'clock, A. M.—Mr. Metcalf,	307
Directing the committee on the judiciary to inquire into the expediency of amending the law relative to the foreclosure of mortgages—Mr. Hammond,	307
Declaring unconstitutional the appointment of a committee by the last legislature, to investigate the affairs of the several boards of internal improvement—Mr. Coates,	307, 308
Directing the board of internal improvement to report relative to their power to pay certain claims—Mr. Metcalf,	310
—Directing the superintendent of public instruction to report by what authority he employs a clerk, &c.—Mr. Walker,	310
Relative to the right of petition—Mr. Curtis,	316
Relative to the unexpended balance of the appropriation on the Saginaw canal—Mr. H. L. Miller,	316
Requesting the commissioners of internal improvement to report the condition of the appropriation on the Saut de Ste Marie canal—Mr. Wood,	316
Directing the committee on the judiciary to inquire respecting the appointment of criers to the courts—Mr. Walker,	316
Referring the communication of the commissioners of internal improvement of the 27th February, to the committee on internal improvement—Mr. Smith,	317
Directing the committee on the judiciary to inquire into the expediency of appointing commissioners to inquire into the importance of the different public works—Mr. Castle,	333
Directing the committee on internal improvement relative to the unexpended balance of the appropriation upon the Kalamazoo river—Mr. Barlow,	333
Directing the committee on ways and means to inquire into the expediency of increasing the amount of specific state tax—Mr. G. Spencer,	345
Directing the committee on the judiciary to inquire into the propriety of amending an act entitled "An act to amend the revised statutes, entitled 'of proceedings against debtors in attachment,'"—Mr. Walker,	345
Directing the committee on towns and counties to in-	

RESOLUTIONS.

741

Page.

- quire into the expediency of repealing all acts in relation to the holding of courts in the county of Shiawassee—Mr. Biddle, 352
- Relative to the return of delinquent taxes—Mr. Lamb, 352
379, 380.
- Directing the committee on the judiciary to inquire into the propriety of amending the law relative to the abatement of actions—Mr. Richardson, 359
- Directing the committee on ways and means to inquire relative to the expenses of the state prison—Mr. Richardson, 369
- Directing the committee on enrolment to inquire into the necessity of employing additional clerks—Mr. Hammond, 369, 380
- Relative to members changing their votes, after being announced by the clerk—Mr. Renwick, 369
- Relative to the report of the state geologist—Mr. Coates, 369
- Directing the committee to investigate the banks, to report whether any of the members of the legislature are indebted to the bank of Michigan—Mr. Coates, 370, 371
- Directing the sergeant-at-arms to ascertain whether the required number of copies of the state geologist's report had been printed, &c.—Mr. Walker, 380
- Authorizing the enrolling clerk to appoint an assistant—Mr. Richardson, 380
- Directing the committee of ways and means to inquire into the expediency of limiting the period of the operation of certain acts of appropriation—Mr. Biddle, 381
- Directing the committee of ways and means to inquire into the propriety of allowing interest on the estimates of contractors—Mr. Walker, 393
- Directing the committee on internal improvement to examine the accounts of the superintendent on the Southern railroad—Mr. Hawley, 393, 400
- Relative to the introduction of new business—Mr. Coates, 418
- Declaring that no new business be considered after the 25th of March—Mr. Coates, 471, 472, 522
- Requesting the committees to report on all business before them, on or before the 27th of March—Mr. Pierce, 472
- Referring certain documents to the committee on internal improvement, with instructions—Mr. Porter, 473
- Directing the appointment of a committee to investigate the affairs of the Erie and Kalamazoo railroad bank—Mr. Curtis, 473
- Proposing to hold evening sessions—Mr. Strong, 473

	Page.
Requesting the attorney general to communicate what proceedings have been instituted by him, against the bank of River Raisin—Mr. Wilcox,	479
Requesting the state treasurer to communicate such information as he may have received respecting the payment of the future instalments of the five million loan—Mr. Bingham,	479
Directing the committee on the judiciary to inquire what further power is necessary to prosecute delinquent township collectors—Mr. Pierce,	480
Directing the state treasurer to report what amount of bank notes there are in the treasury—Mr. M. Spencer,	502
Directing the committee on internal improvement to inquire relative to the property belonging to the state on the public works—Mr. Richardson,	503
Proposing to hold three sessions each day—Mr. G. Spencer,	520, 521
Limiting the time for each member to speak to a question, to five minutes—Mr. Morton,	521
Requesting the chairman of the several committees to report upon the business before them—Mr. J. Miller,	521
Authorizing the speaker to allow the members from the counties of Mackinac and Chippewa, thirty days' extra allowance—Mr. Hawley,	522
Directing the committee of ways and means to ascertain whether it would be constitutional to allow the members from Mackinac and Chippewa thirty days' extra allowance—Mr. Smith,	522
Proposing to hold evening sessions—Mr. Cook,	531
Fixing upon eight o'clock as the time to commence the morning sessions, &c.—Mr. Strong,	531
Requesting the treasurer to communicate what kind of funds have been received into the treasury on account of the general fund, during a certain period—Mr. Coates,	531
Requesting the auditor general to report the amount of extra compensation received by the state treasurer since the first of January, 1840—Mr. Smith,	558
Presenting the thanks of the House to the honorable Philo C. Fuller,	581
Directing the appointment of a committee to inform the Senate that the House had elected the honorable John Biddle as their Speaker—Mr. G. Spencer,	583
Directing the appointment of a committee to inform the executive of the same—Mr. Harding,	583

RESOLUTIONS.

743

Page.

- Directing the appointment of a committee to inform the Senate that the House was ready to meet them in joint convention, &c., for the purpose of acting upon the nominations of the executive—Mr. Bingham, 585, 586
- Directing the clerk to notify the Senate that the House was ready to meet them in joint convention at a certain time, for the above purpose—Mr. Bingham, 588
- Directing the committee on towns and counties, to inquire into the expediency of annexing Presque Isle, &c., and the Manitoulin islands, to the county of Mackinac, for judicial purposes—Mr. Porter, 604
- Directing the committee on the judiciary to inquire into the expediency of renewing a certain act—Mr. Walker, 629
- Directing the same committee to inquire into the expediency of amending the "Act relative to highway taxes"—Mr. Porter, 629
- Relative to the railroad bridge across the River Rouge, Mr. Mather, 659
- Directing the appointment of a committee to consider the subject of the message of the executive, of the 10th of April, relative to the decease of the president of the United States—Mr. J. Miller, 669
- Directing the appointment of a committee to inform the bank of Michigan that the legislature was ready to adjourn—Mr. Coates, 672
- Requesting the state printer to print the items of his account—Mr. Coates, 672
- Relative to the decease of the president—Mr. Miller, 678, 679
- Allowing the members from the counties of Mackinac and Chippewa thirty days' extra pay—Mr. H. L. Miller, 694
- Thanking the honorable John Biddle, as Speaker of the House of Representatives, 708
- Directing the appointment of a committee, to act with a similar committee on the part of the Senate, to inform the executive that the two houses were ready to adjourn, &c.—Mr. Bingham, 711
- Directing the appointment of a committee to inform the Senate that the House was ready to adjourn—Mr. H. L. Miller, 711

744 ORDERS—REPORTS OF COMMITTEES, &c.

Page.

ORDERS.

To deposit the original papers of the report of the special committee appointed to investigate the affairs of the several boards of internal improvement, in the office of the secretary of state,	106
To print three hundred copies of the several reports of the committee on elections, relative to the election in Wayne county,	113
To print one thousand copies of the report of the state geologist,	187
To print four hundred extra copies of the special message of the executive, of the 8th of February,	222
That the Rev. Mr. Adam have the use of the hall of the House of Representatives on the evening of February 5th,	
To print five hundred copies of the several reports of the committee to investigate the banks—Mr. Smith,	371, 372
Relative to the general order,	529, 551
To print five hundred copies of Senate document number thirty-six—Mr. Porter,	563
Relative to the transmission to the Senate, of a certain joint resolution—Mr. Hammond,	578

REPORTS OF STANDING COMMITTEES.

Ways and means—Messrs. Renwick, Larue, Stockton, Bingham, Sprague, 83, 163, 164, 221, 226, 262, 342, 468 469, 528, 599, 622, 683.	
Internal improvement—Messrs. Metcalf, Pierce, Stockton, Daniels, Walker, 158, 197, 235, 234, 294, 300, 305 356, 331, 343, 367, 396, 397, 434, 453, 460, 468, 508, 669	
Claims—Messrs. Larue, Geddes, Castle, Philbrick, Russell, 74, 101, 158, 164, 170, 207, 208, 407, 437, 529, 549 651, 669, 670.	
Judiciary—Messrs. G. Spencer, Hammond, Harding, Porter, Richardson, Brown, Walker, 75, 86, 100, 101 107, 128, 158, 159, 171, 172, 185, 186, 206, 207, 209 212, 224, 225, 226, 235, 246, 247, 261, 266, 294, 305 306, 324, 331, 332, 336, 337, 341, 342, 343, 350, 355 356, 357, 378, 390, 391, 408, 426, 435, 436, 444, 445 453, 461, 478, 556, 577, 599, 630, 631, 653, 658, 671 679, 688, 692, 710.	
Agriculture—Messrs. Lamb, Willits, Lee, 127, 159, 213, 226 426, 427, 599.	

REPORTS OF SELECT COMMITTEES. 745

	Page.
Accounts—Messrs. Miller, Lee, Cook,	436
Education—Messrs. Sprague, Biddle, Walker, 75, 101, 208 — 306, 378, 493.	
Manufactures—Messrs. Wilcox, Strong, Morton, 159, 174 246, 377, 528.	
Militia—Messrs. Smith, Curtis, Humphrey, 97, 143, 305, 407 560, 561, 646, 648.	
Roads and bridges—Messrs. Castle, Bingham, Dolsen, 172 230, 231, 314, 315, 342, 398, 406, 407, 576, 671.	
Elections—Messrs. Brown, Wood, Tyler, Hawley, Red- field, 68, 75, 81, 107, 112, 254, 397	
Banks and incorporations—Messrs. Barlow, Hammond, Porter, Brown, Leech, 112, 143, 158, 246, 247, 253, 254 255, 261, 293, 305, 341, 378, 391, 499, 560.	
Printing—Messrs. Pierce, Miller, Strong, Russell, Olin, 143 165, 398.	
University and school lands—Messrs. Biddle, Leech, Copeland, Rogers, Humphrey, 202, 261	
Enrolment—Messrs. Bush, Mather, Coates, Gillett, Tinney, 85, 203, 219, 220, 224, 233, 354, 382, 411, 433 446, 478, 485, 500, 554, 561, 645, 651, 661, 682, 692, 700 704, 708, 711.	
Organization of towns and counties—Messrs. Copeland, Gillett, Redfield, 180, 186, 208, 209, 210, 235, 253, 262 266, 285, 290, 293, 294, 305, 336, 337, 367, 377, 390, 435 445, 499, 622, 658.	
State prison—Messrs. Hawley, Clark, Mather, 293, 426, 444	
Library—Messrs. Bingham, Renwick, M. Spencer, 37	
Expenditures—Messrs. Richardson, G. Spencer, Lamb, 37	

REPORTS OF SELECT COMMITTEES.

Committee to change the mode of warming the hall— Messrs. Hammond, Tyler, Smith, Rogers, Wil- lits,	7
Committee to inform the Senate of the organization of the House—Messrs. Porter and Walker,	27
Committee on supplies—Messrs. Curtis, Larue and Gil- lett,	27, 68
Committee to act with Senate committee, in informing the governor that the two houses were organized, &c.—Messrs. Hammond and J. Miller,	27, 28
Committee to revise the rules of the House—Messrs. Biddle, Porter, Bingham, Richardson and Harding, 28, 32 33.	

746 REPORTS OF SELECT COMMITTEES.

	Page.
Committee on joint rules—Messrs. Miller, Hammond, Bingham,	67
Committee on apportionment—Messrs. Renwick, Harding, Humphrey, Clark, Porter, Barlow, Larue, 67, 469 '485.	469
Committee on university and state lands—Messrs. Larue, Redfield, Morton, Metcalf, Walker,	67, 202, 367
Committee to whom was referred the correspondence of the executive with the state and treasury departments of the United States—Messrs. Harding, Tinney, Copeland,	67, 85, 87, 132
Committee on that portion of the governor's message relative to the Saut de Ste Marie canal—Messrs. Renwick, Wood, Stockton,	74, 323
Committee on the abolishment of offices—Messrs. Strong, Pierce, Olin,	157, 262
Committee to inquire into the constitutionality of issuing state scrip—Messrs. Metcalf, Harding, Smith, G. Spencer, Redfield,	457
Committee to inform the Senate that the House had nominated an United States senator, &c.—Messrs. Bingham, Porter,	199
Committee to investigate the affairs of the banks of the city of Detroit—Messrs. Strong, Porter, Hammond, Brown, Walker, Hawley, Stockton, 248, 293, 354 371.	354
Committee on the geological department—Messrs. Coates, Miller, Smith, Bingham, Larue,	318, 398
Committee on the proposed amendment to the constitution, relative to biennial sessions of the legislature—Messrs. Smith, Castle, Redfield,	500, 614
Committee to whom was referred the bills to reduce the price of university and school lands—Messrs. Brown, Bingham, Larue, Redfield, Rogers,	340, 414
Committee to whom was referred certain petitions relative to the sale of ardent spirits—Messrs. Lamb, G. Spencer, Gillett, Richardson, M. Spencer,	413, 493
Committee to whom was referred certain documents of the legislature of Indiana, relative to the public lands—Messrs. G. Spencer, H. L. Miller, Humphrey,	488, 692
Committee to inform the Senate of the election of the honorable John Biddle as speaker—Messrs. G. Spencer, Renwick,	583, 584
Committee to inform the executive of the same—Messrs. Harding, Larue,	583
Committee to inform the Senate that the House was	

HOUSE BILLS.

747

Page.

ready to meet them in joint convention to act upon nominations of the governor—Messrs. Bingham, Barlow,	585
Committee to conduct the honorable senators to seats in the hall of the House of Representatives—Messrs. Hammond, Pierce,	591
Committee to whom was referred the two apportionment bills—Messrs. Hammond, Richardson, Brown, H. L. Miller, Pierce, Gillett, Olin,	598, 600
Committee to conduct the honorable senators to seats in the hall of the House of Representatives—Messrs. Bingham, Copeland,	607
Committee to whom was referred the special message of the executive, relative to the decease of the president of the United States—Messrs. J. Miller, Renwick, Stockton, Barlow, Clark, G. Spencer, Smith,	669, 678, 679
Committee (on the part of the House,) to inform the governor that the two houses were ready to adjourn—Messrs. Bingham, J. Miller,	710, 712
Committee to inform the Senate that the House was ready to adjourn—Messrs. H. L. Miller, Richardson,	711, 712

HOUSE BILLS,*

With references to the proceedings had thereon.

Bill to establish the pay of members and officers of the present legislature, and for other purposes—Mr. G. Spencer, 53, 82, 89, 111, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 242.	
Bill to reduce the price of printing—Mr. G. Spencer, 53, 143, 317, 319, 320, 321, 322, 358, 398, 585, 586, 589, 590, 595, 680.	
Bill to provide for the payment of certain claims therein mentioned—Mr. Larue, 74, 87, 677, 687, 688, 700, 701, 708.	
Bill to provide for the reduction of costs in the prosecution of civil suits—Mr. Renwick,	75, 107, 400
Bill amendatory to "An act to amend the revised statutes, 'relative to primary schools'"—Mr. G. Spencer,	75, 86, 90, 101, 176
(substitute reported,) 208, 244, 265, 288, 290, 291, 292, 311, 333, 347, 408, 409, 427, 529, 553, 561, 601.	

*The titles of the bills, as first reported to the House, have been preserved by the clerk, in making this index, although many of them were amended before those bills passed into acts.

	Page.
Bill to amend an act, entitled "An act to regulate and prescribe the amount of fees"—Mr. G. Spencer, 75, 242 432.	
(substitute reported,)	436
Bill to aid those who may have money collected in the hands of their agents, in obtaining the same—Mr. G. Spencer, 78, 171, 184, 246, 247, 401, 402	
Bill to amend "An act for the destruction of wolves"—Mr. Walker, 85, 159, 174, 203	
Bill to incorporate the Port Sheldon land company—Mr. Walker, 89, 112	
Bill to provide for the payment of certain claims therein mentioned—Mr. Larue, 111	
Bill amendatory to "An act to provide for the disposition of prisoners apprehended within the county of Macomb"—Mr. Porter, 101, 156, 157	
Bill to amend sections ten and eleven, of chapter two, title three, part one of the revised statutes—Mr. Walker, 110, 171, 175, 227, 233	
Bill to regulate the business of brokers and exchange dealers—Mr. Smith, 114, 207, 405, 406, 410, 411, 501 555, 584.	
Bill to authorize the building of a certain dam therein named—Mr. Barlow, 143, 401, 410, 427, 446, 478, 500	
Bill to amend an act, entitled "An act to organize the militia," approved April 23, 1833—Mr. Smith, 143, 179, 203, 474, 708, 709.	
Bill to amend an act, entitled "An act to alter the route of the Havre Branch railroad, and for other purposes"—Mr. Smith, 145, 146, 158, 178, 368	
Bill relative to the administration of oaths to members and officers of the legislature—Mr. Harding, 146, 158 175, 202, 203.	
Bill to authorize the building of a certain dam therein named—Mr. Bingham, 147, 172, 179, 182, 210, 248, 249	
Bill to incorporate the saline manufacturing company of the county of Washtenaw—Mr. Wilcox, 159, 160, 229 232, 236, 237, 251, 259, 312, 313, 313, 344.	
Bill for the protection of the capitol and library—Mr. Pierce, 160, 238	
Bill to provide for the transfer of twenty thousand dollars from the delinquent tax fund, and to provide for the payment, in part, of the members and officers of the present legislature—Mr. Renwick, 162, 256 259.	
Bill to authorize the secretary of state to contract for public printing, and for other purposes—Mr. Olin, 164, 400 401.	

- Bill** amendatory to "An act relative to highway taxes, approved March 20, 1840"—Mr. Bush, 164, 173, 219, 401
- Bill** to amend "An act for the relief of Ottawa county, and for other purposes"—Mr. Walker, 164, 172, 183, 211 219.
- Bill** to amend "An act to incorporate the village of Ypsilanti"—Mr. G. Spencer, 164, 165, 172, 210, 211, 223 277, 352, 411, 462.
- Bill** to obviate the illegality of certain acts of the commissioners of highways of the township of Sena, Clinton county—Mr. G. Spencer, 219, 352, 403
- Bill** to authorize townships to remit certain fines and penalties therein named—Mr. Hammond, 171, 214, 419, 430 524, 555, 585.
- Bill** to provide for the laying out of certain state roads, and for other purposes—Mr. Castle, 173, 223, 297, 398 591, 593, 646, 647, 663, 664, 677, 648, 704, 706.
- Bill** to alter the terms of the court of chancery in the fourth and fifth circuits—Mr. Harding, 174, 226, 420, 437 438, 476, 563, 657.
- Bill** to organize certain townships therein named—Mr. Copeland, 180, 244, 433, 475
- Bill** to provide for the compensation of township collectors—Mr. Brown, 185, 215
(substitute reported,) 235, 252, 258, 286, 326, 359
- Bill** to repeal section three of an act entitled "An act to organize certain townships, and for other purposes—Mr. Copeland, 186, 243, 335, 355
- Bill** to amend section two, chapter six, title two, part one of the revised statutes—Mr. Walker, 186, 213, 214 701, 702.
- Bill** to reduce the price of university and school lands—Mr. Biddle, 202, 214, 215, 232, 237, 243, 260, 288, 334 414, (substitute reported,) 475, 477, 480, 481, 482, 483 484, 489, 646, 647, 682, 702.
- Bill** to amend an act entitled "An act to incorporate the Kalamazoo mutual insurance company"—Mr. Brown, 271, 203, 219, 294, 329, 330, 331, 346, 453, 500 515.
- Bill** amendatory to "An act relating to the conveyance of real estate, approved April 1, 1840"—Mr. Porter, 206, 404
- Bill** to provide for the protection of Indians, and for other purposes—Mr. Porter, 206, 404, 405, 557, 657
- Bill** amendatory to part one, title seven, chapter one of the revised statutes, relative to the inspection of provisions and other merchandize—Mr. Porter, 207, 404

	Page.
Bill declaring the election of Seneca Hale, a commissioner of the county of Lenawee—Mr. Hammond, 210, 332.	207
Bill to amend an act entitled "An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes"—Mr. Hammond, 207, 243 408, 409, 500, 651.	243
Bill to amend an act entitled "An act to regulate internal improvement, approved March 25, 1840"—Mr. Hammond, 210, 234, 259, 260, 437, 517, 529, 530, 565 567, 568, 569, 570, 571, 572, 573, 574, 575, 579.	565
Bill to encourage the growth and manufacture of silk—Mr. Lamb,	213, 419
Bill to legalize certain taxes in the county of Ionia—Mr. Walker,	213, 353
Bill for the relief of Humphrey Wheeler—Mr. Castle,	214 419.
Bill entitled "An act to further amend chapter one, title ten, part one of the revised statutes, entitled, 'of religious societies'"—Mr. Barlow,	232
Bill to provide for the construction of certain works of internal improvement—Mr. Metcalf, 235, 244, 245, 267 268, 269, 270, 271, 272, 273, 274, 275, 276, 278, 279 280, 281, 282, 283, 284, 285, 315, 332, 333, 335, 355 408.	267
Bill to change the names of certain townships, and for other purposes—Mr. Copeland,	235, 243, 244, 247
Bill to reestablish the boundary line between the townships of Ross and Charlestown, and for other purposes—Mr. Copeland, (consolidated into Senate bill to organize certain townships, &c.)	235, 325, 326
Bill authorizing the commissioners of highways of the township of Cortland, in the county of Kent, to give certain bonds—Mr. Walker,	235, 420
Bill to amend an act entitled "An act relative to highway taxes, approved March 20, 1840, and for other purposes"—Mr. Walker,	247, 421, 708, 709
Bill authorizing county commissioners to make assessments in certain cases—Mr. Walker,	247, 420, 469
Bill to permit the use of certain land in the township of Saline, for constructing a mill race—Mr. Renwick,	248
Bill to authorize the issue of state bonds, and the loan of them to the banks therein named—Mr. Wilcox, 295, 337, 441, 442, 446, 447.	248

- Bill amendatory to "An act to prevent the circulation of bills or tickets of a less denomination than one dollar"—Mr. Porter, 254, 421, 422
- Bill to abolish the office of supervisor, and for other purposes—Mr. Strong, 262, 423, 440, 441, 449
- Bill to provide for the purchase of the Palmyra and Jacksonburg railroad—Mr. Sprague, 263
(substitute reported,) 356, 442, 443, 449, 450, 451, 454, 455, 460, 708.
- Bill to organize a school district in the city of Detroit—Mr. Walker, 266, 424, 485, 515
- Bill to organize certain townships, and for other purposes—Mr. Copeland, 266, 325
(consolidated into Senate bill to organize certain townships, &c.,)
- Bill defining the powers of the court of chancery in partition—Mr. Hammond, 278, 342, 433, 652, 653, 682, 702
- Bill to provide for the exemption of certain property from execution—Mr. M. Spencer, 287
- Bill relative to the duty of county commissioners in certain cases—Mr. Walker, 287, 342, 439, 440, 461, 500, 515.
- Bill to amend "An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery," &c.,—Mr. Hammond, 290
- Bill entitled "An act amendatory of 'An act for the preservation of railroads'"—Mr. Daniels, 290
- Bill to incorporate the Adrian church association—Mr. Wilcox, 290, 378, 466, 501, 555, 584
- Bill making further appropriation for continuing the building of the state prison—Mr. Hawley, 293, 353, 426, 479, 507, 508, 684, 700, 706.
- Bill making further appropriations for the construction and preservation of the Clinton and Kalamazoo canal—Mr. Metcalf, 294, 394, 395, 434, 451, 452, 557, 657
- Bill to provide for the construction of turnpikes upon the northern railroad and the Grand River road—Mr. Porter, 294, 352
- Bill to authorize the anticipation of certain instalments of the five million loan—Mr. G. Spencer, 294, 295
- Bill to abolish the office of county commissioners, and to reestablish a board of supervisors—Mr. Renwick, 294, 342, 438, 439, 440
- Bill to provide for the taxing of costs in the circuit court—Mr. Renwick, 295, 305, 432, 494
- Bill amendatory to an act entitled "An act for the pre-

- servation of railroads belonging to this state, approved December 30, 1838"—Mr. Metcalf, 423, 437, 478, 566, 567.
- Bill to amend chapter seven, title two, part three of the revised statutes, entitled "of judgments in courts of record, and execution thereon"—Mr. Smith, 300, 435, 708, 709.
- Bill to define the eastern and southern boundaries of the township of Dearborn—Mr. Copeland, 305, 325, 326 (consolidated into Senate bill to organize certain townships, &c.)
- Bill to amend an act entitled "An act to regulate and prescribe the amount of fees, approved April 1, 1840"—Mr. G. Spencer, 306, 695
- Bill to authorize the minor children and heirs of the late William Taylor, deceased, to convey certain lands—Mr. Harding, 317, 453, 659
- Bill to authorize the minor children and heirs of the late Thomas Smith, deceased, to convey certain lands—Mr. Hawley, 317, 453, 650
- Bill to provide for the payment of a certain claim—Mr. Richardson, 324, 433
- Bill to amend part three, title three, chapter three of the revised statutes, relative to the foreclosure of mortgages—Mr. Porter, 325, 709
- Bill to amend part three, title three of the revised statutes, relative to the foreclosure of mortgages—Mr. G. Spencer, 332
- Bill to authorize the auditor general, state treasurer and attorney general, to settle with the late commissioners of internal improvement—Mr. Walker, 343, 456, 469, 526, 598, 649, 666.
- Bill to provide for the construction of a turnpike upon the Northern railroad—Mr. Walker, 343, 359, 360, 361, 362, 363, 364, 365, 366, 373, 374, 375, 376, 377.
- Bill to abolish specific state taxes on merchants and others—Mr. Harding, 350
- Bill to regulate the inspection of green and dry hides and skins in the city of Detroit—Mr. Wilcox, 350, 441
- Bill to amend chapter eight, title five, part one of the revised statutes, relative to specific taxes—Mr. Porter, 355
- Bill to prohibit the presiding judges of the circuit courts from acting in certain cases—Mr. Richardson, 357, 442
- Bill authorizing the expenditure of the balance of the appropriations heretofore made for the construction of the Saginaw canal, on the Saginaw turnpike, and

- Page.
- for other purposes—Mr. H. L. Miller, 357, 367, 456, 457
458, 459, 501, 555, 584.
- Bill to amend an act, entitled "An act to provide for the
sale of certain lands to the settlers thereon, and
for other purposes," &c.—Mr. Larue, 367, 457, 458, 501
584.
- Bill to change the name of the township of Pinckney,
in the county of Calhoun—Mr. Copeland, 367, 368, 392
409, 433, 462.
- Bill to authorize William H. Griswold, a minor, to con-
vey real estate in the state of Michigan—Mr.
Lamb, 368, 453, 650
- Bill relative to mortgage sales—Mr. Harding, 368
- Bill relative to attachments in circuit courts—Mr. Wal-
ker, 378, 465, 466
- Bill to authorize Jacob H. Divers, a minor, to sell cer-
tain lands therein described—Mr. Hawley, 378, 453, 650
- Bill for the regulation of township officers, and for other
purposes—Mr. Lamb, 378, 435, 600, 623, 624, 625, 640
706.
- Bill to organize the township of Spalding—Mr. Barlow, 379, 408
409, 433, 475.
- Bill regulating the holding of courts in Shiawassee coun-
ty—Mr. Porter, 390, 410, 411, 494, 500, 515
- Bill to organize the township of Wales, in the county of
St. Clair—Mr. Copeland, 390, 427, 515
- Bill to incorporate the Thornapple slack water naviga-
tion company—Mr. Barlow, 391, 467, 692
- Bill relative to the duties of the superintendent of pub-
lic instruction and state treasurer, and for other
purposes, 399, 412, 413, 418, 469
- Bill declaring land liable to be sold for taxes, forfeit to
the state—Mr. Hammond, 399, 400, 445
- Bill to vacate the county site of the county of Living-
ston, and for other purposes—Mr. Bush, 400, 432, 474
- Bill to prevent the killing of deer in certain seasons of
the year, and for other purposes—Mr. Mather, 400, 426
628.
- Bill making appropriations for the payment of railroad
iron purchased of Hicks & Co., of the city of New
York, in 1838—Mr. Larue, 407, 475, 566, 629, 645, 679
- Bill to authorize the appointment of commissioners to
take acknowledgment of deeds and instruments of
writing, under seal—Mr. Harding, 410
- Bill to prevent suits upon judgments, in certain cases—
Mr. Hammond, 416, 461, 650, 651
- Bill to encourage the growth of fruit trees—Mr. Lamb, 419

- Page.
- Bill to repeal "An act for the relief of the Bank of St. Clair," approved March 19, 1840—Mr. Porter, 426, 508 511.
- Bill to simplify proceedings at law in certain cases, and render the same less expensive—Mr. Porter, 437, 628 629.
- Bill to abolish the office of building commissioner of the state prison—Mr. Clark, 444, 649
- Bill to amend part one, title twelve, chapter three of the revised statutes, concerning lands for the general use of the state—Mr. G. Spencer, 445
- Bill to authorize the further construction of the Detroit and Pontiac railroad, and for other purposes—Mr. Pierce, 453
- Bill to provide for the anticipation of certain instalments of the five million loan, and to provide for the relief and payment of contractors and laborers upon the works of internal improvement—Mr. G. Spencer, 457, 474, 492, 495, 496, 497, 498, 503, 504, 505, 506 510, 511, 680, 681, 682, 700, 706.
- Bill relative to the Palmyra and Jacksonburg railroad company—Mr. Metcalf, 460, 480, 484, 490, 491, 492, 629 657.
- Bill to provide for the purchase of the Detroit and Pontiac railroad, and for other purposes—Mr. Richardson, 477, 577
- Bill concerning the Detroit and Pontiac railroad—Mr. Richardson, 477, 577
- Bill further to amend an act entitled "An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes, approved April, 15, 1839"—Mr. G. Spencer, 478
- Bill imposing further duties upon the auditor general, and for other purposes—Mr. Hammond, 479, 595, 596
- Bill to provide for the improvement of the navigation of the Kalamazoo river—Mr. Barlow, 479, 588, 590, 591 646, 651, 680.
- Bill to apportion anew the representatives and senators among the several counties and districts of this state—Mr. Barlow, 485, 594, 596, 597, 598, 600, 606 607, 615, 616, 617, 618, 619, 620, 621, 622, 636, 637, 638 639.
- Bill to amend an act entitled "An act to provide for the payment of amounts due the several counties, on account of delinquent taxes, approved March 30, 1840"—Mr. Redfield, 49

HOUSE BILLS.

755

Page.

Bill to grant aid in connecting the public works of Michigan with those of Ohio, and for other purposes—Mr. Russell, 494, 528

Bill relative to a certain amendment of the revised statutes, entitled "of primary schools"—Mr. Richardson, 502, 651

Bill relative to the use of the Central railroad—Mr. Walker, 508, 586, 595, 627, 628

Bill relative to the duties of township treasurers—Mr. Brown, 556, 640, 641, 652, 663, 665, 682, 702

Bill for the relief of Chippewa county—Mr. Wood, 558, 654 655.

Bill to repeal the charter of the Michigan state bank, and for other purposes—Mr. Bingham, 562

Bill amendatory of the revised statutes, relative to the sale of real estate by executors and administrators—Mr. G. Spencer, 565

Bill to provide for a settlement with the Detroit and Pontiac railroad company—Mr. Richardson, 577, 657, 658 674, 675, 676, 701, 702, 706.

Bill for the relief of the county of Mackinac—Mr. Drew, 579, 669, 709

Bill amendatory and supplementary to "An act relative to the sale of real and personal estate on execution"—Mr. Hawley, 586, 630

Bill to authorize the board of internal improvement to settle with the Detroit and Pontiac railroad company, and for other purposes—Mr. G. Spencer, 599, 709

Bill to attach Presque isle, and certain islands, to the township of Holmes, in the county of Mackinac, for judicial purposes—Mr. Copeland, 622, 640, 661, 669 679.

Bill in relation to county registers—Mr. Bingham, 623, 681

Bill amendatory to "An act relative to highway taxes, approved March 20, 1840"—Mr. Porter, 630, 635

Bill to renew "An act to exempt grain while growing, and other unharvested crops, from sale under execution, approved April 1, 1840"—Mr. Walker, 630, 636, 665 679, 705, 706.

Bill authorizing the payment of certain claims therein named—Mr. Larue, 635, 640, 641, 651, 677, 710, 711

Bill supplementary to an act entitled "An act amendatory to 'An act to amend the revised statutes, 'relative to primary schools,' approved April 1st, 1840,' approved April 6th, 1841"—Mr. Walker, 635, 693

Bill to amend an act, entitled "An act to organize the county of Ingham"—Mr. Bingham, 635

- Bill to repeal "An act to authorize the board of commissioners of internal improvement to loan to the Palmyra and Jacksonburg railroad company a certain amount of railroad iron, and for other purposes"—Mr. G. Spencer, 705, 709, 711
- Bill to amend chapter eight, title five, part one of the revised statutes, relative to specific taxes—Mr. Porter, 659, 673, 684, 700, 706

SENATE BILLS TRANSMITTED TO THE HOUSE.

- A bill relative to the distribution of the primary school moneys, 61, 75, 79, 80
- Bill authorizing the presiding judge of the circuit court of Wayne county to sign a certain record, 95, 100, 101 162.
- Bill authorizing county commissioners to reestablish a distinction between county and township poor, 118, 127 128, 162, 251.
- Bill to amend an act entitled "An act to provide for the disposition of prisoners apprehended within the county of Macomb," 144, 183
- Bill to amend chapter two, title three, part three of the revised statutes, entitled "of the action of ejectment," 162, 178, 235, 511, 512, 525, 584
- Bill to repeal certain parts of the revised statutes, entitled "of fees," 173, 212, 214
- Bill to repeal an act entitled "An act to extend the powers of justices of the peace, and for other purposes, approved April 6, 1838," 177, 435
- Bill to amend the law relative to crimes, 177, 186, 512, 524 701, 702, 711.
- Bill to amend part one, title five, chapter eight of the revised statutes, 187, 350
- Bill to authorize the secretary of state to sell a portion of the revised statutes, 202, 221, 513, 525, 584
- Bill to amend an act entitled "An act to provide for the destruction of wolves," 202
- Bill to incorporate the Ebenezer institute of Genesee county, 211, 221, 254, 511
- Bill to prescribe the powers and duties of justices of the peace in civil proceedings, 221, 262, 298, 302, 303 308, 309, 337, 338, 339, 340, 343, 347, 348, 349, 353 354, 448, 449, 461, 464, 465, 546, 547, 657.
- Bill to incorporate the trustees of the Wesleyan semi-

	Page.
nary at Albion, 126, 246, 278, 293, 308, 311, 312, 318 359.	
Bill relative to postponing sales by sheriffs and other of- ficers,	226, 390, 514, 577, 578, 657
Bill to amend part three, title three. chapter one, sec- tion seven of the revised statutes,	227, 241, 513, 584
Bill to amend chapter three, title three, part one of the revised statutes, relative to prosecuting attorneys,	227 251, 258, 267, 334.
Bill to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys,	227, 401 402, 403, 427, 475.
Bill to amend chapter five, title four, part three of the revised statutes, relating to proceedings in reple- vin,	232, 391, 514, 584
Bill to reduce the minimum price of university and school lands, and for the relief of certain purcha- sers thereof,	232, 243, 261, 334, 414
Bill to further amend chapter one, title ten, part one of the revised statutes, entitled "of religious societies,"	246 423, 424, 550, 561, 601.
Bill relative to the sale of real and personal estate on execution,	248, 249, 261, 262, 288, 297, 333, 380, 382 383, 384, 385, 386, 387, 388, 393, 430, 431, 486, 515
Bill to organize certain townships, and for other pur- poses,	248, 249, 253, 325, 326, 327, 328, 337, 342, 354 392, 427.
Bill for the relief of the township of Tuscola,	248, 249, 261 513.
Bill to enable George Dorr, a minor, to convey certain parcels of real estate,	256, 692
Bill to amend the charter of the city of Detroit,	264, 336, 395 409, 411, 416, 454, 478, 564, 579, 648, 653, 654, 693, 702
Bill to alter the boundary of the township of Kearsley, in the county of Genesee,	264, 265, 294, 325 (consolidated into the bill to organize certain town- ships, &c.)
Bill to provide for hiring out the services of convicts in the state prison,	266, 267
Bill to preserve the purity of elections, and to amend title two of the revised statutes,	267, 397, 515, 523, 524 525, 526, 532, 588, 594, 686, 702.
Bill to amend an act entitled "An act to incorporate the village of Adrian,"	277, 305, 526, 531, 532, 554, 601
Bill to amend chapter one, title four, part one of the re- vised statutes,	286, 342, 440, 527, 533, 561, 562
Bill relative to jurors,	318, 341, 511

- Bill to repeal the law authorizing the laying out of a state road therein named, 318, 407, 709
- Bill in relation to the university and primary school funds, 343, 344, 378, 399, 412, 469, 509, 516, 521, 522, 530, 550, 554, 576, 588.
- Bill exempting certain articles of personal property from sale on execution or attachment, 350, 356, 456
- Bill to authorize the commissioners of the county of Genesee, to vacate a certain burying ground, 351, 445, 598, 657.
- Bill in relation to delinquent taxes, 368, 469, 688, 702
- Bill to extend the limits of the county seat of the county of Livingston, and for other purposes, 427, 446, 475
- Bill to authorize a settlement of debts due to the state of Michigan, and for other purposes, 448, 622, 698, 699
- Bill defining the place of holding the next annual township meeting of Woodbridge, in the county of Hillsdale, 448, 500
- Bill for the relief of Job Slatford, 461, 462, 630, 709
- Bill to amend the several acts in relation to the university and its branches, 461, 493, 709
- Bill suspending for a limited time, certain provisions of law, and for other purposes, 476, 507, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 551, 552, 553, 555, 558, 559, 587, 679.
- Bill to extend the boundary lines of certain townships therein named, 494, 499, 584
- Bill to authorize Nathaniel E. Mathews and others, to erect a dam across the Kalamazoo river, 516, 560, 627, 657.
- Bill in relation to the assessment of real and personal property, 516, 599, 643
- Bill to alter the boundary line of the township of Kearsley, in the county of Genesee. 524, 584
- Bill to amend the several acts relative to the militia, 550, 561, 696, 701.
- Bill to amend "An act to provide for laying out and establishing certain state roads, approved April 18, 1839," 561, 562, 576, 696, 702
- Bill granting certain powers to the Catholic apostolic and Roman church of St. Anne, Detroit, 561, 562, 578, 657
- Bill for the relief of certain school districts, 593
- Bill supplementary to an act, entitled "An act relative to the sale of real and personal estate on execution, approved March 27, 1841," 593, 594, 630, 643, 644, 649, 663, 664, 677, 684, 685, 686, 689, 697, 698, 700, 701, 706.

HOUSE JOINT RESOLUTIONS.

759

Page.

- Bill to provide for the payment of the salaries of the state officers, 600, 703, 704, 707, 711
- Bill to provide for the payment of members and officers of the present legislature, 615, 625, 626, 627, 641, 642, 643, 652, 658, 666, 667, 682, 683, 702.
- Bill to repeal certain laws imposing specific taxes upon banks, 625, 626, 631, 689, 690
- Bill to incorporate the Monroe city band, 640, 641, 646
- Bill to provide for making a general index to all books in the offices of registers of deeds of the respective counties of this state, 640, 694, 697, 703
- Bill to incorporate the Ypsilanti band, 646, 647, 648
- Bill to amend chapter five, title three, part three of the revised statutes, entitled "of forcible entry and detainer," 647, 658, 704, 707, 711
- Bill to apportion anew the representatives and senators among the several counties and districts of this state, 358, 485, 580, 594, 596, 597, 598, 600, 606, 607, 615, 616, 617, 618, 619, 620, 621, 622, 636, 637, 638, 639, 655, 657, 679.
- Bill to alter the judicial circuits of this state, and to regulate the terms thereof, 655, 656, 671, 707, 708
- Bill to provide for the incorporation of musical associations, 655, 656, 671, 709
- Bill in relation to mortgages, 664, 710, 711
- Bill to repeal an act, entitled "An act to authorize the board of commissioners of internal improvement to loan to the Palmyra and Jacksonburg railroad company, a certain amount of railroad iron," 665, 669
- Bill to authorize the commissioners of internal improvement to make contracts for the construction of the works of internal improvement, 668, 669, 696
- Bill making certain appropriations therein named, 707, 710, 711

HOUSE JOINT RESOLUTIONS.

- Relative to a protective tariff—Mr. G. Spencer, 33, 34, 65, 129, 246, 337, 648.
- Instructing our senators and representative in Congress, in relation to the completion of all lake harbors—Mr. Smith, 37, 53, 83, 85
- Instructing our senators and representative in Congress, in relation to a general bankrupt law—Mr. Metcalf, 39, 40, 76
- Relative to a prospective preëmption system—Mr. Walker, 49, 50

	Page.
Relative to adjournment—Mr. Bingham, 63, 65, 131, 181, 250 251.	
Relative to a bankrupt law—Mr. Harding,	128
Authorizing the executive to employ a copyist and messenger—Mr. Stockton,	131, 155, 156, 160
Relative to the state salt springs—Mr. Wilcox, 159, 169, 203 332, 340, 359.	
Authorizing the board of internal improvement to furnish the state geologist with certain data—Mr. Daniels,	160, 169, 211, 220
Requesting the governor to transmit to the presiding officer of each house of Congress, certain resolutions—Mr. G. Spencer,	168, 173
Directing the board of appraisers upon the public works, to suspend further proceedings—Mr. Metcalf,	174, 175 241, 242.
Fixing upon the twenty-seventh day of February, for adjournment—Mr. Biddle,	182, 345
Relative to the election of an United States senator—Mr. G. Spencer,	204, 205
Relative to the claim of Collins, Keese & Co.—Mr. Larue,	207, 208, 214, 228, 233
Directing the auditor general to settle certain claims against William Ford & Son—Mr. Hawley, 240, 241, 249 468.	
Relative to the issue of shiplasters—Mr. Leech,	253, 254
Directing delinquent commissioners of internal improvement, to settle with the auditor general—Mr. Brown,	256, 257
Directing township collectors to receive township orders in payment of taxes—Mr. Mather,	267
Requiring the board of internal improvement to extend the Southern railroad to Jonesville—Mr. Humphrey,	286, 290
Proposing to so amend the constitution as to have biennial instead of annual sessions of the legislature—Mr. Smith,	295, 300, 601, 602, 603
(substitute reported,)	614, 615
Directing the secretary of state to transmit certain documents, to the executive of Alabama—Mr. Porter,	307 325, 379, 382, 408.
Relative to the improvement of the St. Joseph river—Mr. Metcalf,	316, 325
Relative to the Saut de Ste Marie canal—Mr. Wood,	323, 324 502.
Relative to imprisonment for debt—Mr. Curtis,	344, 353, 356
Relative to an organization of the militia—Mr. Humphrey,	345

HOUSE JOINT RESOLUTIONS.

761

Page.

- Fixing upon the 8th day of March, for adjournment—**
Mr. Bingham, 345, 372, 415, 470, 471
- Authorizing the auditor general to lease certain lands—**
Mr. Wilcox, 369, 383, 415
- Directing the commissioners of internal improvement to make certain surveys—Mr. Smith,** 398, 410
- Fixing on the 25th day of March, for adjournment—**
Mr. Cook, 400, 518, 519, 520, 529, 550, 578, 684, 700
- Relative to the appropriation on the Northern railroad—Mr. Castle,** 416, 428, 429, 430, 502, 555, 584
(converted into a bill.)
- Directing the auditor general to draw against the instalments to fall due from the five million loan—**
Mr. Rogers, 417, 430.
- Directing the attorney general to examine certain property purchased of the Lake Erie and River Raisin railroad company—Mr. Larue,** 436, 488, 489, 494
495, 561, 562, 657.
- Authorizing the board of internal improvement to extend the Southern railroad to Jonesville on certain conditions—Mr. Richardson,** 437, 462, 463, 464, 486
487, 501, 556, 577.
- Proposing to amend the constitution so as to extend upon certain conditions, the elective franchise to persons of color—Mr. Porter,** 444, 445, 474, 631, 632
633, 634.
- Directing the board of internal improvement to deliver over to F. & H. Fowler, certain estimates—Mr. Humphrey,** 455
- Directing the board of internal improvement to examine and allow certain claims—Mr. Metcalf,** 460, 518
656, 671, 683, 684, (transformed into a bill.) 694, 700, 706
- Fixing upon the 5th day of April, for adjournment—**
Mr. Hammond, 473
- Authorizing the auditor general to settle with Benjamin Porter and Amasa B. Gibson—Mr. Hawley,** 477, 479
494.
(substitute reported,) 529, 557, 589
- Relative to the completion of the eastern termination of the Southern railroad—Mr. Smith,** 509, 522, 657
- Directing the commissioners of internal improvement to audit and settle the claim of Daniel B. Herrington and Theodore Bathy—Mr. Porter,** 522
(substitute reported,) 549, 564, 652, 682, 703
- Authorizing the board of internal improvement to appoint a special agent for certain purposes—Mr. Metcalf,** 588, 589, 652

	Page.
Relative to the price paid for printing legal advertisements in the state paper—Mr. Coates,	605, 623
Proposing to amend the constitution so as to prohibit the legislature from contracting state debts, without the expressed assent of the people—Mr. Bush,	615
648, 661, 662.	
Relative to outstanding claims against the state—Mr. Metcalf,	635, 693, 694
Relative to a lease of the Central railroad to Julius Eldred and others—Mr. Hawley,	644, 645, 659
Fixing upon the thirteenth day of April for the adjournment of the legislature—Mr. Metcalf,	659
Authorizing the secretary of state to contract for the public printing—Mr. Hammond,	666, 672
Relative to the claim of E. Corning & Co.—Mr. Larue,	670
693, 700, 701, 704, 706.	
Fixing upon the thirteenth day of April, for the adjournment of the legislature—Mr. Richardson,	687
Relative to a distribution of the session laws, journals and documents of the present session of the legislature—Mr. J. Miller,	687, 697, 704, 707
Relative to the claim of George Davis & Co.—Mr. G. Spencer,	689
Authorizing the auditor general to draw his warrant for a sufficient sum to pay for the plates and paper, &c., for the state scrip—Mr. Strong,	704
To suspend the tenth joint rule of the Senate and House of Representatives—Mr. Walker,	695, 697

SENATE JOINT RESOLUTIONS TRANSMITTED TO THE HOUSE.

Authorizing the governor to appoint a private secretary,	46, 64
65.	
Relative to the duty of the sergeant-at-arms of both houses,	113
Relative to the returns of children and others, using foreign languages,	129, 178, 208
Relative to the boundary line between this state and the territory of Wisconsin,	129
Authorizing the governor to appoint a commissioner to ascertain the boundary line between this state and the territory of Wisconsin,	130
Relative to the United States circuit court,	351, 356, 358, 392
Relative to certain citizens of the United States and of the state of Michigan,	351, 392

COMMITTEES OF THE WHOLE.

763

	Page.
Relative to a survey of certain harbors,	392, 500
Proposing a certain amendment to the constitution,	392
Authorizing the librarian to subscribe for twelve copies of the Western Farmer,	318, 409, 410, 476
Relative to the domestic production of copper, &c.,	318, 377 428, 475.
To provide for binding the manuscript journals of the Senate and House of Representatives,	446, 502, 585
Relative to a certain state warrant,	516, 517, 578, 601
Relative to the destruction of the Caroline,	601
Authorizing the auditor general to issue warrants to the state geologist for certain expenses incurred at the state salt springs,	601, 648, 649, 680
Relative to the bank of Adrian,	646, 658, 673, 680, 703
In relation to a certain mortgage,	652, 653, 680
Relative to the gallantry, &c., of Major Dequindre,	652, 653 680.
Relative to the Ypsilanti and Tecumseh railroad,	652, 660, 661 676, 703.
Authorizing the secretary of state to furnish certain do- cuments to the New York historical society,	652, 653 680.
Proposing certain amendments to the constitution of this state,	655, 656
Relative to the printing and distributing the justices' act,	655, 656, 680
Relative to the return of books to the state library,	663, 664 703.
Relative to the Southern railroad,	684, 703
Relative to the securities received from the Morris ca- nal and banking company,	709, 711
Relative to the reception of bank notes for taxes and other public dues by the state treasurer,	215, 226, 512

COMMITTEES OF THE WHOLE.

In the chair—Mr. Richardson,	111
In the chair—Mr. Castle,	175, 457, 480
In the chair—Mr. Pierce,	178, 215
In the chair—Mr. Copeland,	179, 219, 251, 442
In the chair—Mr. Harding,	182
In the chair—Mr. Metcalf,	182, 229, 232, 237, 288, 325, 334 405, 466, 677, 687.
In the chair—Mr. Bingham,	80, 183, 596, 628
In the chair—Mr. Brown,	184, 421, 615, 625, 626, 674, 695

	Page.
In the chair—Mr. Larue,	87, 203, 219, 288, 291, 402, 412 456, 586, 598.
In the chair—Mr. Walker,	210, 312, 313, 395, 526, 644
In the chair—Mr. Coates,	213, 311, 492, 495, 496
In the chair—Mr. Porter,	214, 353, 438, 442, 455, 475, 477 480, 696, 707.
In the chair—Mr. Bush,	223
In the chair—Mr. Wilcox,	288, 381, 382
In the chair—Mr. Hammond,	90, 298, 302, 303, 308, 309, 347
In the chair—Mr. Curtis,	817
In the chair—Mr. Geddes,	359
In the chair—Mr. Smith,	420, 421, 467, 696
In the chair—Mr. Leech,	507
In the chair—Mr. Rogers,	508
In the chair—Mr. Strong,	514
In the chair—Mr. Clark,	527
In the chair—Mr. Cook,	565
In the chair—Mr. Daniels,	580, 594
In the chair—Mr. Stockton,	593, 623
In the chair—Mr. G. Spencer,	643, 653

COMMITTEES OF CONFERENCE ON THE PART OF THE HOUSE.

- Committee of conference on the (House) bill amendatory to "An act to amend the revised statutes, 'relative to primary schools,' approved April 1, 1840"—Messrs. Walker, H. L. Miller, Sprague, 409, 427, 529 553.
- Committee of conference on the (Senate) bill in relation to the university and primary school fund—Messrs. Harding, Walker, Pierce, 470, 486, 508, 516 530.
(Second committee)—Messrs. Sprague, H. L. Miller, Coates, 554, 576, 586
- Committee of conference on the (Senate) bill to prescribe the powers and duties of justices of the peace in civil proceedings—Messrs. Richardson, Hammond, Porter, 477, 547
- Committee of conference on the (House) joint resolution relative to the Southern railroad—Messrs. Metcalf, Redfield, Porter, 502 556
- Committee of conference on the (Senate) bill to amend the law relative to crimes—Messrs. Harding, Clark, Porter, 550, 701, 702
- Committee of conference on the (Senate) bill to pre-

serve the purity of elections, and to amend title two of the revised statutes—Messrs. Porter, Bingham, Metcalf,	558, 594, 686
Committee of conference on the (House) bill relative to the duties of township treasurers—Messrs. Pierce, Hammond, G. Spencer,	641, 652, 663, 665
Committee of conference on the (Senate) bill to provide for the payment of the members and officers of the present legislature—Messrs. Pierce, Larue, Smith, Metcalf, Stockton,	643, 652, 658
(Second committee)—Messrs. Stockton, Brown, H. L. Miller,	677, 682, 688
Committee of conference on the (Senate) bill supplementary to "An act entitled 'An act relative to the sale of real and personal estate on execution,' approved March 27, 1841"—Messrs. Hammond, G. Spencer, Brown,	664, 676, 677, 684, 685
(Second committee)—Messrs. H. L. Miller, Barlow, Bingham,	686, 689, 697, 698, 701
Committee of conference on the (House) bill to provide for the laying out of certain state roads, and for other purposes—Messrs. Clark, Castle, Olin,	664, 677, 684

MESSAGES FROM THE GOVERNOR AND SENATE.

Reports and communications from state officers, corporate bodies, &c.

FROM THE GOVERNOR.

Annual message,	31
Special message transmitting a communication from the superintendent of public instruction, relative to the school moneys,	61
Special message relative to the state salt springs,	69, 113
Special message relative to the expenditures from the contingent fund,	97
Special message transmitting the report of the state treasurer, relative to securities taken by him for the five million loan,	97
Special message transmitting the report of the special committee appointed to investigate the affairs of the several boards of internal improvement,	106
Special message transmitting a series of resolutions from the states of Alabama and Connecticut,	128, 129
Special message relative to the election of an United States senator,	143, 144

	Page.
Special message relative to the interest due on the Detroit and Pontiac railroad state stock,	169, 170
Special message relative to maps and documents received from the several states of the Union,	178
Special message relative to moneys received for taxes,	187
Special message transmitting a communication from the New York historical Society,	187
Special message transmitting a supplemental report of the special committee appointed to investigate the affairs of the several boards of internal improvement,	197
Special message transmitting certain communications from the officers of the bank of Michigan,	218, 236
Special message transmitting the report of the Erie and Kalamazoo railroad company,	228
Special message transmitting certain resolutions of the legislature of Alabama,	297
Special message transmitting certain resolutions of the legislature of Kentucky,	297
Special message tendering his resignation of the office of governor, and accepting that of United States senator,	297
Special message transmitting a certain report and resolutions concerning the public lands, passed by the general assembly of Indiana,	334, 488
Special message relative to nominations,	585
Special message communicating the intelligence of the decease of William Henry Harrison, president of the United States,	668
Messages approving certain acts therein mentioned,	109, 132
359, 392, 408, 427, 462, 475, 500, 515, 584, 585, 657	
679, 702, 706, 711.	

FROM THE SENATE.

Messages, 46, 61, 73, 82, 95, 102, 113, 129, 130, 144, 161
173, 177, 186, 202, 211, 215, 221, 226, 227, 232, 242
248, 256, 264, 266, 267, 277, 285, 315, 318, 332, 335
343, 350, 351, 358, 398, 379, 392, 408, 428, 446, 448
461, 469, 476, 486, 494, 501, 516, 524, 550, 553, 557
561, 577, 587, 593, 600, 601, 624, 629, 640, 652, 655
663, 665, 668, 676, 680, 683, 689, 700, 701, 707, 709
710.

FROM THE SECRETARY OF STATE.

Report of the condition of the state library,	105, 106
Communication relative to the state library,	144
Communication transmitting an abstract of poor returns,	667

MESSAGES, REPORTS, &c. 767

Page.

FROM THE AUDITOR GENERAL.

Annual report,	39
Communication relative to appropriations from the five million loan,	82
Communication relative to the pecuniary resources of the state,	197
Communication respecting the expenses of the special committee appointed to investigate the affairs of the several boards of internal improvement,	213
Communication as to his power to settle with the delinquent commissioners of internal improvement,	277
Communication relative to the state of the general fund,	277
Communication transmitting a statement of the funds in the treasury,	529
Communication relative to extra sums paid to the state treasurer,	587

FROM THE STATE TREASURER.

Annual report,	44
Communication relative to the bonds executed by the fund commissioners,	82
Communication relative to securities taken from the Morris canal company,	88
Communication relative to taxes paid by the banks,	310
Communication relative to the payment of the future instalments of the five million loan,	485
Communication furnishing a statement of the kind of funds received into the treasury within a certain period,	577

FROM THE BOARD OF INTERNAL IMPROVEMENT.

Annual report,	52
Communication relative to free passengers on the Central railroad,	86
Communication respecting allegations of fraud said to have been committed by agents upon the public works,	161
Communication respecting the Pontiac railroad,	209
Communication respecting the cost of continuing certain works of internal improvement,	209, 218
Communication relative to the number of engineers employed on the Clinton and Kalamazoo canal,	238, 239
Communication relative to railroad iron,	308
Communication relative to the receiver of tolls on the Central railroad,	315
Communication from the acting commissioner, relative to the appropriation on the Saut de Ste Marie canal,	343

	Page.
Communication transmitting a report from the superintendent of the Southern railroad,	343
Communication transmitting a communication from the Maumee branch railroad company,	398, 399, 437

FROM THE BOARD OF APPRAISERS.

Communication in reply to a resolution of inquiry,	173, 174
--	----------

FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Annual report,	145
Communication relative to the university and school lands,	255
Communication in reply to the resolution of the 26th of February.	368

FROM THE BOARD OF REGENTS OF THE UNIVERSITY.

Communication,	48
----------------	----

FROM THE ATTORNEY GENERAL.

Communication from C. C. Jackson, relative to proceedings against the Huron river bridge company,	79
Communication relative to the Huron river bridge company,	231
Communication relative to the Detroit and Pontiac railroad company,	264, 290
Communication relative to the bank of River Raisin,	500

FROM THE STATE GEOLOGIST.

Annual report,	182, 183, 298
Communication transmitting a skeleton map,	218
Communication relative to the progress of maps,	218, 289

FROM CORPORATE BODIES.

Report of the Lake Erie and River Raisin railroad company,	69
Report of the St. Clair and Romeo railroad company,	92, 143
Report of the Palmyra and Jacksonburg railroad company,	63, 185
Report of the Erie and Kalamazoo railroad company,	228, 246
Report from the commissioners to settle with the state bank,	228
Report of the commissioners to settle with the Lake Erie and River Raisin railroad company,	324
Report of the commissioners under the act to provide for the sale of certain lands to the settlers thereon,	325

LEAVE OF ABSENCE.**769****Page.****LEAVE OF ABSENCE.**

Mr. Mather,	47, 169, 475
Mr. Lee,	62, 245, 593
Mr. Leech,	62, 86
Mr. Russell,	67, 205, 216, 396
Mr. Bingham,	86, 205, 309
Mr. Bush,	86, 238, 309, 560, 675
Mr. Walker,	86, 298, 318
Mr. Curtis,	86, 169, 201, 289
Mr. Porter,	86
Mr. Redfield,	86, 212
Mr. Willits,	88, 238
Mr. Copeland,	98, 111
Mr. Richardson,	98, 127, 205, 335
Mr. Drew,	111
Mr. Clark,	127, 238, 276, 353
Mr. Philbrick,	132, 314
Mr. Renwick,	132, 170, 171, 515, 646
Mr. Dolsen,	162, 238, 334
Mr. Strong,	162
Mr. Tinney,	169, 350
Mr. Cook,	170
Mr. Humphrey,	179, 322
Mr. Smith,	179, 675
Mr. Hawley,	201
Mr. Daniels,	205
Mr. Morton,	205, 490
Mr. Geddes,	212
Mr. Sprague,	212, 220
Mr. Wilcox,	212
Mr. Hammond,	212, 314, 475, 484, 499
Mr. Rogers,	216
Mr. Lamb,	245
Mr. G. Spencer,	245
Mr. Stockton,	285
Mr. Geddes,	289
Mr. Olin,	289
Mr. Tyler,	289, 433, 499
Mr. J. Miller,	302, 322, 389
Mr. Coates,	318
Mr. Larue,	515
Mr. Fuller,	587
Mr. Harding,	675
Leave granted to sergeant-at-arms,	184, 265

JOINT CONVENTIONS.

Convention to perfect the election of an United States senator,	199, 200, 201
Convention to act upon the nominations of the executive,	591, 592, 607, 608, 609, 610, 611, 612, 613, 614

APPEALS.

Mr. Bingham, from the decision of the chair,	42, 43, 136, 165 559.
Mr. Hammond, from the decision of the chair,	126
Mr. Walker, from the decision of the chair,	151
Mr. Smith, from the decision of the chair,	682

ELECTIONS AND APPOINTMENTS.

Election of speaker,	20, 21, 582, 583
Election of clerk,	21, 22
Election of enrolling and engrossing clerk,	22, 23
Election of recording clerk,	23, 24, 53, 54
Election of sergeant-at-arms,	24, 25
Election of door keeper,	25, 26
Election of United States senator,	188, 189, 191, 192, 193 194, 195, 196, 197, 198, 199, 200, 201.
Appointment of messengers announced,	37
Appointment of standing committees announced,	37, 38
Appointment of superintendent of public instruction,	592, 683
Appointment of acting commissioner of internal improvement,	592, 608, 609, 611, 612, 613, 614
Appointment of judge advocate general,	592, 609, 610
Appointment of major general of the seventh division,	592 612.
Appointment of brigadier general of the thirteenth brigade, seventh division,	592, 610, 611

MISCELLANEOUS.

CONTESTED ELECTIONS.

Proceedings relative to the claim of J. P. King as a member from the county of Mackinac,	4, 78, 81, 95
Relative to the claim of John A. Drew as a member from the county of Mackinac,	48, 81, 95, 96, 104